

A
DEFENCE
OF THE
EXAMINATION

2

Of a BOOK entitled,

*A Brief Account of many of the Prosecutions
of the People call'd QUAKERS, &c.*

So far as the CLERGY of the Diocese of
LONDON are concern'd in it:

In Answer

To a late Pamphlet publish'd by the Quakers,
by way of VINDICATION of that Part of
their *Brief Account*.

L O N D O N:

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A DEFENCE of the EXAMINATION of a Book entituled, A Brief Account of many of the Prosecutions of the People call'd **QUAKERS**; so far as the Clergy of the Diocese of London are concern'd in it. In Answer to a late Pamphlet, publish'd by the Quakers, by way of **VINDICATION** of that Part of their Brief Account.



WHATEVER is to be said by way of Answer to the Quakers *Vindication* of their *Brief Account* (so far as the Clergy of the Diocese of **LONDON** are concern'd in it,) will fall under two general Heads, viz. 1. The **FACTS**, and 2. The **REASONINGS**. And these two shall be separately consider'd, according to the *Course* and *Order* of each, as they stand in the said *Vindication*.

S E C T. I.

The Answer, as to FACTS.

To what is said in the *Vindication*, p. 17, &c. with regard to the Parish of *Stebbing* in *Essex*; Mr. *Wendy*, the Vicar, replies as follows:

Titus Wendy was inducted into the Vicarage of *Stebbing*, Jan. 1. 1712-13. Which Vicarage is endowed with *All Small* and some *Rectorial Tythes*. And finding many *Quakers* in his Parish, (tho' blessed be God, their Number is now much lessened, several having been baptized, and brought over to the Church, notwithstanding their spiteful Reflexion, *Vind.* p. 25.) and seeing them possessed of some of the largest Farms, and not willing to pay, compound for, or set forth their Tythes: The said Vicar applied, when the Year was up, to two neighbouring Justices, in a regular Way (he hopes) because it was in the Way prescribed by their Act of Parliament, viz. with a Complaint in Writing, signed with the Day of the Month, Year, and his Name. If this is not applying in a regular Way (*Vind.* p. 20.) the said Vicar and neighbouring Clergy desire to be better informed by any one Principal Justice of the Peace.

But to proceed; the two neighbouring Justices, for some Years did act against the *Quakers*; but at length one of them refused to act any longer; and the Law requiring two, we were forced into another Method. The Case was thus, viz. The said Vicar did attend the two Justices (as usual, on a Saturday, that being the Day appointed to do Business on) in a regular Way; that is, with a Complaint in Writing: But one of them refused to sign a Summons (and the Law requires the Hands of two Justices) unless

less the said Vicar would come the next *Saturday*, and bring along with him a *credible and substantial Farmer*, who should go to every *Quaker* (and there were at that Time about 14 or 15 of them who lived a considerable Distance from one another) and should ask them, if they *acknowledged the Debt*, and then the said Farmer should inform the Justices of their *Answer, upon Oath*. This was a great and unreasonable Burden to lay on us, because the *Quakers* will not own any Thing *due for Tythes*. But however, the Farmer managed so prudently, that he *surmounted this Difficulty*; and yet notwithstanding, after all this Trouble, and tho' waited upon in the same *regular Way*, as mentioned before, a *third Saturday*, the Justice refused *at last* to act; making this slight Excuse for his *Refusal*, viz. That he called to Mind a Promise he had formerly made a Farmer in *Stebbing*, (who was then dead) that he would never do any Business for *Stebbing*. Thus we were forced into the Exchequer; and *this I solemnly declare to be true*.

And here I beg Leave further to observe, That after that tedious and expensive Law-Suit (begun 1721.) *was over*, the said Vicar did apply in the same regular Way to *two other Justices*, in a different Division; and they likewise acted for some Years, but at length *refused to act*, saying, They would not be *troubled every Year with such Complaints*. So that the said Vicar was *refused twice by different Justices*, and at *different Times*; there being several Years Distance between these *several Refusals*, as there was between his several Prosecutions. It was not for such a *trivial Sum* as *Rawlins's* was, (*Vind. p. 24.*) that he apply'd to the *Justices Yearly*, but it was for a *large Sum*, yearly amounting to more than *Thirty Pounds*,
due

due from 14 or 15 *Quakers*. Thus the Justices refusing to act (as I am ready to make Oath, when legally required) our first Reason stands good; the *Quakers* themselves allowing it (if true) a *justifiable Reason* for going into the Exchequer, (*Vind.* p. 20.)

I humbly hope the second Reason, (*viz.* the *Quakers* refusing to inform me of their Tythes, and the Impossibility of coming to the Knowledge of them, and especially of the Small Tythes, without their Oath or solemn Affirmation, to which I had no Right before the Justices) is as valid as the first, and by no means *inconsistent* with it, (*Vind.* p. 19.) For can it be said to be Matter of *Choice* and not of *Necessity* (*Vind.* p. 19.) for my suing in the Exchequer, when I saw myself yearly cheated and defrauded of my Dues? and not able to prevent it by any other Method, than having Recourse to the Exchequer, as a Court of Equity as well as Law? I say, does not such hard Usage as much force a Clergyman to sue in the Exchequer, as the Justices refusing to act? I leave this to the serious Consideration of every impartial Person: For I can no more come at my Right in the one Case, than in the other, without making Application to the Exchequer; and therefore it was *Necessity* and not *Choice*.

As to what the *Quakers* alledge against our third Reason, (*Vind.* p. 21, 22, 23.) making it *Self-Interest*, *Revenge*, &c.; for the Interest I had in View, there is no *secret Management* in it, no *Mystery of my Science*; nor will it be *prejudicial to my Interest or Honour to reveal it* (*Vind.* p. 23;) for I here publicly declare it to the World; and it was this: That I hoped one Prosecution carried on to Effect, would make Peace and good Neighbourhood for the Term of my Life;

Life; and as I had heard of several such-like Instances, so it has in some Measure answered my Expectations; for several *Quakers*, after that Law-Suit, did compound for their Tythes, and pay them regularly; and there are not above 2 or 3 that now give much Trouble.

As for *Revenge*, I utterly disclaim it; and as a plain Proof that I was not actuated by Revenge, nor have any Spleen or Pique against those deluded People (whose *Conversion* I heartily wish and pray for) I have laid out large Sums with several of them for Wheat, Hops, Malt, &c. and I have dealt with a Shop-keeper, a *Quaker*, for between 20 and 30 *l.* yearly for Shop-Goods; for many Years, and with his Father before him. And I can produce many Instances of having forgiven several of them the Charges of the Warrants, as allowed by the Justices, and taken no more than barely my Tythes.

I do most solemnly declare, that I was stoppt and insulted by a certain *Quaker* with opprobrious Language on a *Sunday*, as coming from doing my Duty; and I here further add, that the same Person (who was well known to treat all Clergymen, where-ever he met them, with Scurrility and ill Manners) came to me on the *Tuesday* following, (as I was standing at my Gate, and he going to the Meeting-house) and insulted me afresh; saying, if he had been a *younger Man*, he would have treated me in *another Way*.

I am not conscious of ever having forced or beat out of the Way any loaded Horses of the *Quakers*, or any other Persons (*Vind.* p. 22.) nor did I ever turn a double Horse out of the Road, to my Knowledge: If any double Horses have at any Time, at a Distance, for their Convenience, and at a proper Place, gone out of the Road,

Road, that is not to be charged to my Account. I readily acknowledge, that I met *their aged Friend*, as they call him, (*Vind.* p. 22.) tho' I believe he is the younger Man of the two: The Road where I was riding, was deep and dirty, and the Quarters high on each Side, but where he was, plain and level. I called out aloud to him to stop, and put on my Horse as fast as I could, to get out of the Way; but he refused to stop, and met me before I could get out of the bad Way. I then told him, it was unkind and unneighbourly to act so; and since he would not stop as desired, he must get out of the Road; for I could not, being but ill mounted upon a hired Horse; and he did, after some *coarse Language*, turn out of the Way.

If *they* did not throw that threat'ning Note into my Yard, viz. *Remember Caesar's Fate*, I cannot imagine from what other Hand it should come.

They say, it is not probable the *Quakers* should *binder* the Selling of the Goods taken of them by Distress; but this I know, by many Instances to my own Disadvantage, to be true; nay, I have known them turn away a Labourer, tho' charged by the Constable to aid and assist, for making the Distress. Again, (*Vind.* p. 23.) it was not the Neighbours that gave out that the *Goods were stolen*, but a *Quaker* (one *Elizabeth Clements*; alias *Salmon*, alias *Garret*) who called after a Man, to whom a large Parcel of Hogs, taken by Warrant, had been sold; and the Man brought the Hogs back, and refused to have them.

As for what they say about *Overplus's*, (*Vind.* p. 23.) it is ridiculous; for instead of an *Overplus*, there has been often a *Deficiency*. They
set

set too high a Value upon their Goods, more, they know, than the Market will allow; and then make that an Handle for Abuse. One of them threatned to kick a Constable out of his House, for going a *Second Time* to make Good the *Deficiency*: And this was the Case, when the Officer who made the Distress, failed (*Vind.* p. 23.)

I come now to *Vind.* p. 24. where I am charged with compelling *David Chapman* to sell his Estate; but this will soon appear very false. For that he did it to *cheat me of my Tythes and Costs*, the Farmer who bought his Estate, often told me; adding, in a threatening Manner, that *David Chapman* had not only sold his Estate to cheat me of my Tythes, but that he had the best Advice how to secure the Money in proper Hands; and that I should never have one Penny of Debt or Charges. But further, as soon as he came out of Jail, to shew he did not want Money, he sent one ——— *Walker*, a *Quaker*, a School-master in *London*, and his Solicitor, 200*l.* which ——— *Walker* soon after failed, and *Chapman* lost all his Money. This was a much greater Sum than *my Tythes and Charges*: So that if he was ruin'd, he must charge it not to the Vicar's, but to the *Quaker's Account*. But still this very *Chapman* was not ruin'd even by this large Loss; for some Time before he died, (which may be about a Year ago) he purchased an Estate at *Felsted*, to the Value of about 4 or 500*l.* As for the Account of his Wife's Death, it is false, if my Information be true: It was not by affectionately attending her Husband; for she only made him short Visits at different Times; and this last Visit was such an one, a Visit *en passant*; and she had not been in the Jail 24 Hours, before she died. It was entirely
B her

her Fault that he ever went thither ; for several of the Neighbours, and one of her Sons, would gladly have paid the Tythes at first ; but she would not let them ; threatening, that if they did, they should never be paid again. This, one of the Sons has often told me.

I shall now take Notice of what is said of ruining *James Rawlins* (*Vind.* p. 26.) It is well known, that *James Rawlins* has carried on (since he came out of Jail) a larger Trade than ever he did before. He has owned lately, in the Hearing of several Persons, that he has traded, only, with *Anthony Appleby*, a Quaker of *Bishops Stortford*, since he came out of Jail, for many 100*l.* besides what he has done with other Persons. Nay, he has held two Farms since (besides Shop-keeping) of about 50*l.* *per annum* ; and he never held before above four or five Acres, if so much.

As for the Account of *Debt and Charges* (*Vind.* p. 24.) they have not the Gratitude to acknowledge, that I gave *Smith* 10*s.* 6 *d.* of his Money back again ; who is far from being a *poor Man*, according to the Station of Life he is in. The Reason why I gave it, was upon Account of his civil Deportment, after the Money was paid. I hope I may be allowed to make a Distinction between those that behave civilly, and those that behave rudely.

I come now to the Case of *John Foster*, and do once more solemnly declare, that I did never prosecute the said *John Foster* for a Marriage Fee, (*Vind.* p. 25, 26, 27.) at *Common Law*, or, if the *Quakers* like it better, in any of his Majesty's Courts in *Westminster-hall*. I did indeed apply to the Magistrate for the Recovery of my just Right, due by Custom and the Laws of the Land ; and then, for the Reason mentioned, (*Examin.*

amin. p. 23.) I applied to the Spiritual Court, but to no other Court. How then is it possible that the said *John Foster* should be put to so extravagant a Charge as 10 l. mentioned p. 44. of the *Quaker's Vindication*, when he never appeared upon the Summons before the Magistrate; and but once by his Attorney, in the Ecclesiastical Court. Does not this confirm what is said by me (*Exam.* p. 23.) of the Attorney's boasting how good Clients the Quakers are, " Let the Attorney bring in never such extravagant or exorbitant Bills, (and I think none can be more so than this) they pay them without any Defalcations or Abatements." I desire to know where it is that I have admitted a *threefold* Proceeding (*Vind.* p. 27.) for the Recovery of the Marriage Fees. I have (*Exam.* p. 24.) solemnly declared, that I never prosecuted *John Foster* for the Marriage Fee; in any other Method than this, viz. before the Magistrate, and in the Ecclesiastical Court. Where then is the *threefold* Proceeding for the Recovery of the Marriage Fee? And how mean, trifling, and evasive is their Explanation of *Common Law*? Does not every Person understand by *Common Law*, his Majesty's Courts in *Westminster-hall*? I do here solemnly declare, that what is related by me (*Exam.* p. 23.) about what the Attorney said, when he came to my House from *John Foster*, is *strictly true*; and I defy him to say, I made him any Present; for what Present could he expect for my receiving 10 s. due for a Marriage Fee? I gave him only the common Entertainment of my House, which I should have given to the meanest Farmer in my Parish. If I had persuaded him (as he pretends) to pay me my just Fee, is that criminal or Blame worthy? For who would not come

by his Right as easily as he can? I again declare, that he did threaten me in my House, that if I had made a *Distress*, he would have ruin'd me: He did also in *Chelmsford* Church-yard, as soon as the Court was up, say to me in a threatening Manner, he would stick to me *as close as my Shirt to my Back*, in the Hearing of several Persons.

It is grossly and falsely represented, (*Vind.* p. 25.) that I would have made a *Distress*, notwithstanding the Mistakes that were in it, if he had not been at *Foster's* House (and how he could be there from Morning to Evening, without a Design, I leave every impartial Person to consider;) but unhappily for him, I did not send my Church-clerk with a *Warrant of Distress*, but with the *Justices Order*, which he read; nor did I intend to *execute the Warrant*. Our usual Method, when a *Distress* was made, was to send the Church-wardens and Constables, and not a Church-clerk.

TITUS WENDY.

P. S. The Quakers have brought a false Accusation against my Predecessor *William Skingle*, whom they in their Charge call *Robert* (p. 44. *Quakers Charge*) for filing a Bill in the Exchequer against one *Stephen Chopping*, a Quaker of *Stebbing*. And this appearing from the Records of the Exchequer to be false, they now accuse the present Vicar of being the Prosecutor. But he defys them to prove, that *he ever filed a Bill in the Exchequer* against the said *Stephen Chopping*.

To

TO what is said in the *Vindication*, p. 28, &c. with regard to the Parish of *St. Peter in St. Alban's*, Dr. Ramney, the present Vicar, replies as follows :

The *Vindicator* (p. 28, 31.) seems to blame the Vicar, "for never having apply'd to the Justices, since his Yearly Demand was such as might have been recover'd without any of that Proceeding in the Exchequer." He should have added, had the Sum been known; and should also have observ'd, that the Vicar had shewn (in the *Examination of the Account of Prosecutions against Quakers*, p. 24, 25.) that the several Parcels of Ground rented by *Stephens*, were depastured in such a Manner, as made such an Application impracticable : For he Lett Horses out for Hire; he took in Neighbours Horses, and other barren Cattle, by the Week; he kept and chang'd a Number of Cows; he had sometimes more and sometimes fewer Sheep and Lambs. So that unless the Vicar had watch'd the frequent Variations made by taking in, and turning out, buying and selling Cows, Calves, Lambs, Wool, Milk, &c. it was almost impossible (without the Oath or solemn Affirmation of the Party, to which he had no Right before the Justices) to form any probable Conjecture, much less any regular Judgment, about the Value of the Tythes arising from thence.

Add to this, that the Vicar had Reasons to hope, from Time to Time, that Satisfaction would be made him by some of *Stephens's* Friends or Relations; and was therefore unwilling to put
him

him to any *Expence at all*, till the Sum was swell'd beyond the limited Size for Justices to relieve.

After the Vicar had long waited, to no Purpose, he received a Letter from one of *Stephens's* Landlords, to intreat his Patience till he could talk with his Tenant. But he, living at a Distance, either neglected to converse with *Stephens* on that Subject, or at least, to acquaint the Vicar with the Result. "If you please (says the Letter) to stay Proceedings against my Tenant *Henry Stephens*, I will use my Endeavours to make an End of this Matter. He will do nothing by himself; these People, you know, are very stubborn. So leaving him wholly to your Mercy, till I can have an Opportunity of waiting upon you, I am," &c.

From all these Reasons, it must plainly appear to every unprejudiced Reader, that it was purely *Compassion* and *Lenity* that inclin'd the Vicar to this candid Forbearance for so many Years, which is now condemned as Criminal; and that it has not the Appearance of the least Mixture of any malicious Design, to let the Sum exceed the stated Bounds (as unjustly insinuated) in order to justify a *severer Proceeding*; which the Vicar was not only at *full Liberty*, but under a *kind of Necessity* to make Use of, from the Beginning; considering the Nature of the Tythes, and the Temper of the Detainer.

Besides, how could it be reasonably expected, that the Vicar should take a *great deal of Pains*, to make an *uncertain Guess*, about the *Value* of the Tythes (wherein he must have been very much at a Loss, in many Articles, and for want of proper Informations, which only *Stephens* could give, but *refused*, must have fallen far short of knowing

knowing what was due to him,) when there was an Established Court open to do him Justice, which he believed, could oblige the Defendant to give in a *true Account*; and this the Quaker would not do, without that Compulsion.

Since then there was a visible Tendernefs thro' the whole Proceeding, and a reasonable Hope of Satisfaction from *other Hands*, which led the Vicar (who was evidently averse to the giving *Stevens* any Sort of Trouble, or putting him to any Charge whatsoever) to so long a Forbearance, that the *Exchequer* only could effectually relieve him; what Pretence can the Vindicator have, for accusing him for not taking the *mildest Method*, or "for being unable to give Reasons sufficient to justify the Severity of his Proceedings," (p. 44.) What Colour for Complaints of Severity is here? *Stevens* paid no Costs in this Prosecution; whereas had Relief been obtained by Justices, the annual Expences for Warrants and Distresses, would have amounted to a considerable Sum in seven or eight Years; and there would also, in all Probability, have been 30 *l.* more paid to the Vicar, levied upon his Goods, (which, in such Cases, are sometimes sold to the Owner's Loss) besides the 10 *l.* which he accepted in lieu of 40 *l.* If this be Cruelty, what is Kindness? And if such Mercy be murmur'd at, what Sort of Treatment will oblige? —

And now, as the Charge against the Vicar was at first opened with an ambiguous Expression, which looks like a Design to deceive the Reader into a Belief, that *Stevens* was prosecuted for Small Tythes for seven Years (successively;) whereas there was but one Prosecution just begun, after Seven Years Tythes were due; So the Reply to the Vicar's Answer, (*Vind.* p. 31.) concludes with an Expression,

Expression, which may mislead an unwary Reader to suppose, that the Vicar did therefore accept the *Fourth* Part of his Due, instead of insisting on the *Whole*, because there was some Flaw in his *Right*, or Failure in his *Power* to obtain it ; and that he prudently judg'd it not safe for him any farther *to pursue such Measures*, as (the Vindicator would have it believed) he *could not* (tho' the Truth plainly is, because his Pity took Place of his *Power*, and he *would not*) *go through* with it ; there not being the least Doubt, but that he must have recover'd *all* he sued for, had he proceeded.

ROBERT RUMNEY.

TO what is said in the *Vindication*, (p. 31, &c.) with regard to the Parish of *Bedfont* in *Middlesex*, Mr. *Jaumard*, the present Vicar, replies as follows :

In Answer to the *Quaker's* Reply to my Account of the Prosecution of the Widow *Witberington*, I shall pass by what is foreign to the Purpose, and touch only upon such Points, as cannot well be omitted, without Prejudice to myself.

It is said in their *Vindication*, p. 32.—“ But that
 “ he might seem to do something, he stoutly at-
 “ tacks an Error of the Press, &c. — To which I
 answer, That it is a strange Error of the Press, to
 put the Word *Exchequer*, instead of — the *Bishop of*
London's Court, or *Ecclesiastical Court* : It is what
 may be called — a wilful Error : For I don't
 doubt, but that the following Words, in the
 Account of the Prosecution, — “ The Par-
 “ son, after some Time, dropt his Suit, &c. —
 were

were designedly put in, to make the Reader believe, the Cause was depending a considerable Time; whereas it was but a short Time in the Bishop's Court, and never came to a Tryal; but was immediately removed upon — *Gibson's* Promise, that the Charge of the Process should be refunded.

As for — *Gibson's* Promise, which he denies he ever made; there are Persons*, who well remember that I mentioned it to them, as a Reason for my stopping the Process. But tho' we should suppose, that no such Promise was made; my stopping the Process without it, may serve to remove from me, the Imputation of Ill-will and Oppression.

The Vindication proceeds, p. 34. — "The
 " Vicar farther observes, that his Demand was
 " not 14 s. *per ann.* for undoubtedly, says he,
 " my Tythes came annually to more; yet he
 " acknowledges, that the Justices only allow'd
 " him so much, as being divided into five or
 " six Parts, would give, to the best of his Re-
 " membrance, 16 or 14 s. *per ann.*" — In An-
 " swer to this, I will set down my Words in full:
 " Which are these; — " I must farther observe,
 " that my Demand was not 14 s. *per ann.* for
 " undoubtedly my Tythes came annually to
 " more; but as I had declared to the Justices,
 " I was willing to favour the Widow, my prin-
 " cipal Aim, by the Suit, being rather to main-
 " tain my Right, than to get my full Dues;
 " They only allow'd me so much as, being di-
 " vided in five or six Parts, would give, to the
 " best of my Remembrance, 16, or 14 s. *per ann.*"

* Particularly Mr. Skelton, Register; and Mr. Charles Tayler of Hutton.

— By this I assert, that the Justices favoured the Widow, at my Desire. Besides, I refused to take what the Bench would allow me, for *Trouble and Charge* in the Suit. But tho' the Justices *favoured* the Woman, the *Quakers* pretend they did not do her *Justice*. For they have trumped up a Certificate, which makes the Value of the Tythes to amount only to 5 s. 2 d. per ann. But who can believe that the Justices could be so blind, or would be so partial, as to set thrice the Value upon the Tythes.

I now come to a heavy Charge indeed! Which, if true, is a great Reflexion on me; if false, as great an one on them. — It is in the 35th Page; where, after saying that the Sum the Justices order'd me, was much more, that is three Times more than my Due; they go on thus: — “ It was observed too, that in making the Distress, he took near double what the Justices had order'd.” — To which I answer, ‘ That in making the Distress, every Thing was carried on above board; and nothing omitted which the Law requires in the Case. ‘ That I had not a Farthing more than was order'd in the Warrant; and, ‘ That there were reputable * Neighbours, Witnesses to the Distress; who are ready to certify that Justice was done. If it had been otherwise; in all Probability, the Quakers would have found a Remedy, and not have been so easy under such a Piece of Injustice, as never once to mention it, that I know of, in so many Years, before this Time.

J. JAUMARD.

* Namely Mr. Charles Tayler, sen. and Mr. Hatchet, both of the same Parish

TO what is said in the Vindication (p. 36, &c.) with regard to the Parish of *All Souls* in *Colchester*, Mr. *Powell*, the present Rector replies, as follows :

I have looked over the printed Answer which I gave in to the *Quakers Charge*, and find the *Vindicator* would suppose the Complaint exhibited by me to the Justices in 1714, or 1715, *so doubtful and intricate*, that the *Justices could find no Justice in it*; and he would induce the Reader to believe, that all this may be concluded from my own Account. To support this Supposition, he leaves out Part of my Words, which, as they stand in my Answer, totally destroy it. “ After several Days Consultation, the Recorder, in the Name of all the Justices, told me, that they would not meddle with the Execution of the Act for the Recovery of the Tythes and Dues I then demanded; and this was spoken, not as conceiving any Point *particular* in the Case, but as their fixed Resolution about every Complaint of this Sort that might be made to them.”

Finding that no Remedy could possibly be had by such Proceedings, nay not so much as a Hearing obtained, I, as well as the Rest of the Clergy, were entirely discouraged for many Years from all Attempts of obtaining Justice in this Method. The same Set of Justices remained for several Years; and in the Year 1729; I had no Reason to think that the Justices would meddle with the Affair, if I had determin'd to have exhibited my Complaint to them. If they were not all the same Justices, they had the same

Recorder among them. I own, however, that within these three or four Years the Justices have received, heard, and determin'd Complaints of this Sort ; but this had not been done from the Year 1714, till some Years after the Year 1729, as I verily believe.

I do not know or think, that *Pitchford* was so poor as to have found any * Difficulty in the Payment of the Tythes or Offerings demanded of him ; and then, surely, there was no Want of Charity in my expecting my just Dues.

The *Quaker's Charge* says, that upon Application made to the Parson, he put a Stop to the Proceedings. Mr. *Havens*, a Quaker, was the Man that made this Application to me ; but he has more Sense than to have done it in the Way this Writer reports ; a very unlikely Method it would have been, of succeeding. Mr. *Havens* pays the Tythes himself with Readiness and Civility, and I have no Reason to think he would encourage any other Person to refuse doing the same. I well remember the Truth of what I have asserted ; that he told me, in *Pitchford's* Case, he would pay whatever was due for Demand and Costs ; and if either I have forgot, or have not thought it worth while to remind Mr. *Havens* of his Promise, where is the Crime ? Has the Proceeding shown any Spirit of Persecution in me ?

As to this Writer's Assertion, that Mr. *Havens* says, he did not promise me any Thing on *Pitchford's* Account ; I much doubt of the Truth of the Writer's Report : But if Mr. *Havens* should be found saying so, I cannot help his Forgetfulness. All that this Writer has said, is quite fo-

* Note, This Demand was about Two Shillings, or more.

feign to the Work he undertakes ; that is, to support the Quaker's Charge. With what Indulgence has *Pischford* been used ? Has he in the least suffered ? He has also ever since withheld my legal Dues, and has not been prosecuted for them ; what possible Reason then for any Complaint ?

The next Remark is, upon my saying, “ *I have lost all Sort of Offerings, due from nine Parishes in ten of the Quakers.*” Easter-Offerings in this Parish have been constantly collected yearly, as far as the Memory of Man reaches : I order them to be demanded of *Quakers*, as well as others : Some few of the *Quakers* readily pay them as they do their Tythes. Others (who pay me no Tythes, *i. e.* who hold no Land tytheable to me) generally shuffle off the Payment of Offerings. If they appear quiet, I have not troubled myself about them ; but when they are rude and noisy, (as I believed *Pischford* was, from the Report of my Collector) I seldom have failed making them pay me. Most of the other Clergy in *Colchester* have never collected Easter-Offerings in their Parishes at all ; and I believe none of us have ever demanded of the *Quakers* any Marriage or Burial Fees. Hence it might be said in the general, that the Clergy of *Colchester* make no Demand upon the *Quakers* for Easter-Offerings, Marriage or Burial Fees : But it is not from hence in the Power of the *Vindicator* to make it Law, *that no Easter-Offerings are due.* The Remissness of some of the Clergy, in not demanding these Offerings, does not make the Loss of them *less grievous to me* ; and my own frequently neglecting or giving up the Demand of them, does not make them less my just Right.

I have, I acknowledge, furnished the *Quakers* with *three Prosecutions* set on Foot; which were not in their Account. The first and second were just as cruel as that against *Pitchford*. The *Quakers* neither suffered nor paid one Farthing. The third, against *Richard Sparrow*, (this Writer corrects my Mistake of the Name) is remarked, as an undeniable Proof, that *the Dread of Church Power often overawes weak Consciences, and that the terrible Apprehension of perpetual Imprisonment, are not easy to be withstood.* The Occasion of my exercising such Terrors upon this Man *Richard Sparrow*, was, that I thought Four Shillings a Year (which had been, many Years before I was Rector, paid, and continued till this Time to be paid) for the Tythes of his Garden, was not too much. He thought two Shillings enough, and his Neighbour *Henry Walker*, in his Name, endeavour'd to persuade me to take it. This I refused; and his Conscience directed him *wholly* to refuse Payment. I thereupon took out Process against him. After the Process was served, his Conscience permitted him to submit to pay the Demand for Tythes; but he was very unwilling to pay the Costs; which, to my Remembrance, was Six Shillings and eight Pence. These Costs I thought reasonable for him to pay, and insisted upon his doing it. How this is exercising Terrors in Matters of Religion, the Reader must find out if he can.

FRANCIS POWELL.

TO what is said in the *Vindication*, (p. 42, &c.) with regard to the Parish of *Walton* Abbey in *Essex*, Mr. *Capon*, the present Incumbent, replies as follows :

The *Vindicator* has saved me much Trouble in the main Point, having acknowledged all the principal *Facts* to be as I represented them ; but he has been pleased to assign other *Motives* to them. He sets out with a gross Misrepresentation in these Words : “ By the Answer of the said “ *John Capon*, we are inform’d, that in respect “ of his own *private* Affairs, and in respect of “ the *Power* of the Church, he thought fit to “ insist upon a Claim of Easter-Offerings, which “ his Predecessor did not.” The Reason I gave for such Claim, was my *undoubted Right* to them. My Reasons for *insisting* upon this Right were ; 1st, My Circumstances, which would not permit me to give them to another, as my Predecessor had done. 2^{dly}, My Care for the Revenues of the Church, which might, in Process of Time, lose the *Power* of recovering them. The Word *Power*, as I used it, signifies no more than *Means*, and can’t be supposed to have any Respect to the *Jurisdiction* or *Authority* of the Church : And none but a *Jesuit* could have pretended to have understood it in that Sense, or have had the Confidence to have cited my own Words, but with such Cunning, tho’ small, Transpositions, as might alter, or obscure their obvious true Meaning.

The next Citation from my Answer, contains a brief Account of my Application to the Justices ; upon which followed the Payment of these

these Dues by all the Recusants, except the four *Quakers*, who appealed to the Quarter Sessions, where they pretended that they could produce a Writing, (but they would never suffer me to see it) by which that Parish was exempted from those Dues. Upon this, the Justices did not care to proceed in it, it appearing to them (as I supposed) that the *Title* to these Dues was in Question, and therefore not determinable by them. The *Vindicator* acknowledges all this to be Fact; but seems to think he has given a sufficient Answer, by saying, "But, as we suppose, he really had no *Title* at all." I supposed I had a Title, and have as good a Right to *suppose* as the *Quakers*. Now what Method had I to try whose Supposition was just, but by Application to Chancery? Whatever the Justices Motives were for declining to proceed in the Affair, still that must be my *dernier Resort*, since I could not make the Justices act whether they would or no. But if the *Quakers* had any such Writing of Exemption, as would have put the Matter past Dispute, and had been charitably inclined to save all the Expence and Trouble, of which they so loudly complain (tho' I paid the Expences on both Sides) they might have prevented it all, by shewing me, or my Counsel, this Writing; and I declare, upon the Faith of a Christian, that if I had seen the least Reason to suspect my Title, I never would have insisted upon it more. But in this I have the greatest Reason to suspect their Integrity, and that in Truth they have no such Writing.

I cannot conceive who could take upon themselves to grant such a Patent of Exemption to the Parish; since no Man can remit or dispose of any Part of the Dues belonging to

to the Church, any farther than for his own Life. I therefore claim'd those Dues to my own Use, which my Predecessor was in a Condition charitably to bestow upon the Clerk, to whom I found they had been constantly paid, by Mr. *Lapthorne's* Gift, when I succeeded to the Living. Whether the *Quakers* paid the Clerk, they best know themselves; if they did not, the Clerk could not oblige them to it, and it is most likely that Mr. *Lapthorne* might never make any particular Enquiry, as he had given those Dues to another.

Hence (as I apprehend) arose all this Dispute, at least all the Difficulty in it; because, in order to make good my Claim, I found myself obliged to prove the Payment of them to Mr. *Lapthorne's* Predecessor; Mr. *Lapthorne* having been so unadvised in his Charity, as not sufficiently to assert his own Right; tho' indeed the Clerk could have no other Pretence to gather them, but as they were given him by Mr. *Lapthorne*, who must have a Right to them himself, or he could not dispose of them to another.

The great Difficulty of procuring Evidence in the Parish, arose partly from the Nature of the Thing; and partly from the Management of the *Quakers*. Length of Time must have left but few, who could give Evidence as to the Payment of these Dues to Mr. *Lapthorne's* Predecessor. I might therefore apprehend that I should fail of Evidence, without suspecting the *Justice* of the greater Number of my Parishioners. I gave another Cause for my apprehending that I might fail of Evidence, in my Answer to their Accusation brought against me, which I here repeat:
 " When the rest of the Parish saw the *Quakers*
 " resolved to contest my Right to those Obla-
 D tions,

“ tions, even those who before had paid them,
 “ refused doing so any longer ; which gave me
 “ little Hopes of finding any among them just
 “ enough to give Evidence for me against the
 “ Rest of the Parish, and their own private In-
 “ terests”.

But suppose, strictly speaking, that I was obliged in Charity to rely on the Justice of those very Persons who detained my Dues, upon no better Pleas than the Suggestions and Examples of the *Quakers*, which fell in with their own private Interest ; yet what is all that to the Matter in Question ? Which, as I apprehend, rests upon these Points, *viz.* Whether I did not make it my Choice, to take the easiest and least expensive Method to recover my Dues ? Whether I did not proceed by that very Method, which the *Quakers* themselves have lately petitioned the Parliament may be the constant Usage in the same and like Cases, all over *England* ? Whether they themselves did not *force* me to have Recourse to Chancery, as the only Means they had left me to recover my Right ?

I am really surprized, that the *Quakers* should complain of this Chancery Suit, since they have given but one Reason, why I should not have entred into it, *viz.* “ But as we suppose he really “ had no *Title* at all.” Which is a Reason, that would have equal Force in the Mouth of every Defendant that ever appeared in the Court of Chancery. But they seem highly displeased with me or my Reasons for dropping this Suit. The first Reason I gave for it was, the great Difficulty of procuring Evidence in the Parish ; for which I have already accounted ; tho’ they will not allow it to have been any Difficulty at all.

Next,

Next, in my Answer to the Articles of Complaint against me in their first Book, I declared myself very cautious, how I expended that Money, which, after my Death, " must be the *only* Support of my Wife and four Children."

'Tis the Word *only*, which it seems has given this high Offence to these tender Consciences, so zealously affected for the Honour of God, and the Character of his Minister. " Which Word *only*, a Man of his Pretensions, on this Occasion, had better have omitted, to shew his Dependance on another Support, *viz.* the Providence of God, who relieveth the Fatherless and Widow."

I confess I was so weak (till the *Vindicator* inform'd me better) to think that the Word *only*, as I used it, implied no more, than the *only* Support, *in my Power*, to leave my Family.

The *Vindicator* concludes with a Citation from my Answer, in these Terms, " That he did not give them (those Dues) up, because he had not a *Right* to them, but because he was too weak to defend and support that Right." Then follow the *Vindicator's* Reflexions: " As if he were placing a Guard against any charitable Construction of his own Actions, and would not suffer a Man to think, that his own Good-nature, Patience, or Christianity, had any Share in the Affair. 'Tis for the Peace of Mankind that such Wills should want Power."

The *Vindicator* has shewn me how necessary it is, not only to place a Guard upon all my Actions, but even upon all my Words, when I find myself so unhappy as to be engaged in a Dispute with such Spirits. I think I may justly take upon me to say, that Patience and Christianity had a sufficient Influence in my Breast, when I waited

from the Year 1728, to the Year 1731, before I filed my Bill; in Hopes of bringing the *Quakers* to a better Sense by gentle Methods, which I tried to the utmost of my Power.

Had the *Quakers* Infimulation (*Vindic.* p. 42.) been true, "That the Clergy had joyned their "Purses to assist each other in such Cases;" the same Reasons had not held for my giving it up. The Clergy of the Church of *England* have indeed never wanted Charity for each other, as they have shewn upon many great Occasions; but as to this Particular, I solemnly declare, I never heard of such a Fund so raised and communicated, and therefore could reap no Benefit from it. But as to the Fund raised by the *Quakers*, to resist the Laws, and harraßs the Clergy; as they do not, so I may reasonably, without any Breach of Charity, suppose, they cannot deny it.

J. CAPON.

IN the *Vindication*, p. 45. it is observed, in the Case of Dr. *Towersan*, Rector of St. *MARY AX*, that the *Subpæna* was made out after the *Quaker's* Bill took Place. But unless he can make it appear, that the *Subpæna* was made out immediately upon the Commencement of the Suit, and that no Time was taken up in advising with Counsel, and in other preparatory Steps; there is still Room for the Conjecture, that it might be set afoot (which is the Expression in the *Examination*) before the Act took Place. And unless they can find, that the Cause was *carreid on*, as well as commenced, in the Exchequer; there is Room for another Conjecture, that it might be finally determin'd by the Justices,

IT

IT was said in the *Examination* under the Head of *STEPNEY*, (p. 47.) upon the Authority of Mr. *Bradley*, that two of the Quakers of that Parish, the Name of one of whom was *Gray*, being conven'd before the Justices, told them, *That they were prepared to try their Cause at Law.* This Fact is deny'd in the *Vindication* (p. 57.) to which the said *Bradley* replies, " That if it was not the very Words that
 " Mr. *Thomas Gray* spoke to the Justices ; yet
 " I can very well remember, that he spoke
 " Words which tended to the same Effect.

" And, That on the 9th Day of *March*,
 " 1723, I did by the Order of both the Rec-
 " tors, go to Mr. *Thomas Gray*, and delivered
 " to himself a Copy of the Demands that they
 " made from him for their Dues, and told him
 " from them, that unless he paid the same,
 " they would be oblig'd to sue him in the Ex-
 " cher. He made Answer, that he would have
 " me to tell them, that he would have them
 " to go to Law.

" N. B. This Remark I have at the Copy
 " of the Bill, which I then delivered to
 " him.

What the *Vindicator* says further in p. 58. on the Head of *STEPNEY*, That it is not true, what is affirm'd in the *Examination* from the Records of the Exchequer, That in the Case *Anno 1703*, *There was no Answers of any of the Defendants, nor other Proceedings* ; admits of a double Reply, 1. That here, as in other Places, they set up their own private Accounts, against a Report from *publick* Records, and therefore the Examiner. might well think himself not obliged to take Notice of any thing quoted from
 thence,

thence, especially being from Papers to which he could have no Access. 2. That they do not say, from their own Papers, that there was any Answer, nor, by consequence, any farther Proceedings in the Cause. And as to the Imprisonment of four of the Defendants, that (if true) might be, and probably was, for their Refusal to Answer, or for some other Contempt which disabled the Court from proceeding.

IN the *Vindication*, p. 61. is inserted a Certificate, That *Mary Cooke* and *Henry Smith*, formerly of *HALSTED* in *Essex*, were *honest, peaceable, and inoffensive Neighbours*. This was occasioned by their being represented in the *Examination*, as Persons *obstinate and troublesome*, and *Smith* as an *inveterate* Man. But the *Occasion* (which was the Point of paying their *Tythes*) and the Words which immediately follow, “ who would not pay any Church-Dues what-
“ ever, but the Church-wardens were obliged
“ to distrain continually, as *Rates* became due,” show, that the Characters, as above, are to be understood in a *limited* Sense, and *comparatively* with others of the Sect, who find Means to answer the Demands of *Tythes* and *Rates*, without giving Trouble to Ministers or Church-wardens. And as to the Word *Inveterate*, the most natural Construction is, that *Smith* was noted for an *Inveteracy* against *Clergymen*, as such.

But all this is foreign to the main Point, which is, what *Inducement* Mr. *Murdock* the then Incumbent might have, to bring his Prosecution in the *Exchequer* ; whether from any unkind Usage of the Quakers in other Respects, or from an Enmity and Ill-will to Quakers, as such,

such. And that it was the former of these, may probably be gathered from the Account given by a very honest * Man still living, who was a domestick Servant to Mr. *Murdock*, viz.
 “ That he well remembers, his Master told
 “ him, That the *Quakers* of the Parish had
 “ drawn up a Petition against him, representing
 “ him as a very troublesome Man, and disaf-
 “ fected to the Government, imagining thereby
 “ to turn him out of his Living ; and that the
 “ then Bishop of *London*, Dr. *Compton*, wrote
 “ Mr. *Murdock* a very severe Letter ; which he
 “ reply’d to, and having justified himself from
 “ the false Charge, received a very kind An-
 “ swer from his Lordship.”

IN the *Vindication*, p. 75, 77. the present Vi-
 car of *FULHAM* is charged with apparent
Inconsistency, and picking up his Intelligence from
 a Variety of incoherent Informations. And he
 thinks the best way of setting aside these Char-
 ges, is the producing his *Vouchers*, Persons of
 Credit and undoubted Veracity.

Mr. *James Dunn*, of the Parish of *Fulham*,
 says, he remembers very well, that Dr. *Dwight*
 used abundance of Patience towards *John Or-
 chard* in regard to his Payment of Tythes ; that
 he sent for him, and by gentle and mild Argu-
 ments endeavoured to persuade him to comply ;
 at the same time desiring some Neighbours to do
 the same ; but *John Orchard* continued obsti-
 nate.

Mr. *John Street*, of the Parish of *Fulham*, says,
 That *John Orchard* was a turbulent, litigious

* Thomas Crouch.

Man ; infomuch as his Neighbours were afraid to converse with him ; and that he was always at Law with one or other.

Now, let us see where are the apparent Inconsistencies the Vindicator would point out. We find *Dr. Dwight* acting as every Minister of the Gospel should, by mild and gentle Arguments endeavouring to persuade, and desiring the Neighbours to do the same ; who, out of a Love of Peace and Charity, would joyn in so good a Work with the Doctor, though at the same time they might not care to engage in other personal Transactions with a Man of *John Orchard's* Temper : And last of all, we see the Quaker continuing obstinate. Had any of these Parties acted otherwise than as they did, there had been an apparent Inconsistency in their Characters ; but now there is none, I may be allowed to retort this Charge upon the Vindicator, desiring him to reconcile what he says, p. 75. that *John Orchard* was of a flexible, condescending Temper, with what we find, p. 78. that he was of a Temper sometimes warm and passionate.

Mr. John Street further affirms, that he heard *John Orchard* say, upon his returning from the House where he had been in Custody, *That he was sorry he did not go to Prison.* Upon this Article the *Vindicator* calls him a weak Confessor of the Truth, seeming to blame him for his Instability ; that is, his Obstinacy should have been the Cause of his going to Prison, that he might have been deemed a Martyr.

As for that harsh and unwarrantable Manner of expressing himself, as the Vindicator terms it, when certain Arrears of Tythes were demanded of him (*I owe thee none, and none I will pay thee, thy Father's Soul is burning in Hell for that he did*

to me ;) Mr. John Dwight, Son of Dr. Dwight, says, that John Orchard spoke these words, or words of the same Meaning and Signification; to him, when he made the Demand of the said Arrears. The same is attested by Mr. John Street.

Worman Orchard's Evidence, given July 10, 1737, (*Vind.* p. 78.) is directly contrary to what he said about the latter End of February 1736-7. In the *Vindication* he asserts his Father never had his Goods seized or distrained for the Poor's Rate, or any other Parish Tax whatever. The Vicar of Fulham; and John Robinson of the said Parish, do both assert, that one Day the latter End of February 1736-7, Worman Orchard being asked by them what he knew concerning the several Prosecutions of his Father by Dr. Dwight, amongst other Things; said, *his Father was an obstinate Person, and would never pay to Church or Poor without having his Goods seized, which ruined both himself and Family.* This Man's Evidence can be of no great Credit to either Party, who is found so grossly to contradict himself; however it is certain, that John Orchard left his Affairs, by his quarrelsome Temper, in such Distraction; and his Son so many Debts to clear, that he was soon reduced to so great Want; as not to be able to pay me a Year's Tithe, amounting to 1 l. 12 s. which I freely forgave him in 1734.

The Vindicator says, p. 78. that had Worman minded his Father's Business which was left him, he might have done well in the World; but by taking *improper Methods*; he reduced himself. Now the whole Neighbourhood knows, that John Orchard left little else but *Debts* behind him, and that his Son is a weak Man, and much given to drink. By *improper Methods* may be meant Wor-

man's having married a Woman of the Establish'd Church, by whom he has three Children, who are all baptized ; this may be looked upon as a very *improper Method* of thriving, by his Friends.

Mr. *James Dunn* and Mr. *John Street* do further assert, that *John Orchard* was a Person of a very abusive Tongue ; a drinking, quarrelsome, fighting Man. Of which latter bad Qualities they give a remarkable Instance that happened in the House of the said *John Street*, and which is well known to the Quakers ; they having sent some Friends to *John Street's* House to enquire into the Affair ; who, upon finding *John Orchard* the *Aggressor*, thought proper to proceed no further, than to reprimand him for it.

How the *Vindicator* can charge the Sufferings and Losses of this Family to the Severity of Dr. *Dwight*, when the Father was a Man of so bad a Character, and the Son left poor, a bad *Œconomist*, and given to drink, is an apparent *Inconsistency* ; and the reconciling it is now become the *Vindicator's* Concern, for the Support of his own Credit.

IN the *Vindication*, p. 81. there is a Note in Favour of *Samuel Parmentor*, a Quaker ; in which it is affirm'd, upon the Credit of several elderly Persons who knew him, *that he had a very good Character*. But as the elderly Persons are not nam'd, it is sufficient to set down what the present Incumbent declares, *viz.* " That
 " notwithstanding the good Name that is given
 " *Samuel Parmentor* by several elderly Persons,
 " (who perhaps were all *Quakers*,) there are
 " others of undoubted Veracity who very well
 " knew him, that affirm he was an *obstinate*
 " Man, of a very *bad Character*." And the
 " Direction

“ Direction to his Son to pay his just Debts, (if not given till he found himself under the Sentence of Death,) is no Proof of a *Disposition* to pay them *while he liv'd*, but rather a Proof of the contrary.

UPON the Quaker's *Vindication*, (p. 81, 82, 83, 84.) the present Incumbent of the Vicarage of St. *GILES CRIPPLEGATE* makes the following Observations.

“ *Michael Trepas*, *Richard Bocket*, and *Nicholas Witschel*, were subpoenaed into the Exchequer (*Anno 1719.*) at the Suit of Dr. *Bennet*; say the Quakers, in their first Book.

Instead of maintaining, that this Prosecution was for a Demand recoverable by the Acts made in the 7th and 8th Years of King *William* the Third, as was charged in their first Book; they now produce a Clause from the Stat. and Decree of 37 *Hen. 8.* and say (p. 89.) “ That if Dr. *Bennet* would have followed the Method prescribed by that Law, the Matter in Question might have been determined at a very little Expence.” But it is very improbable, that a Dispute, which was so nice and intricate, that the Court of Exchequer refused to give Judgment in it without an Issue at Law, could have been adjusted by the Lord Mayor to the Satisfaction of *both* Sides; and if either Party had thought himself aggrieved, and appealed to the Lord Chancellor, as the said Statute empower'd him to do, the Dispute, in that Way, might have been long and expensive enough. And, at last the Act gives no Power to levy by *Distress*, as the Fire-Act (22, 23 *Car. 2.*) hath done.

But Dr. *Bennet* had two substantial Reasons for proceeding in the Exchequer, rather than in the City.

First, Because the Books, by which the Tithes of the ancient Houses had been collected during the long Incumbency of Bishop Fowler, had been altered in several Instances by his Collectors, who took sometimes more, and at other Times less, for the same Houses, as they could agree with the Owners or Occupiers: Which made it almost impossible, in some Cases, to ascertain the Demand. *Michael Trepas's* House in particular, had been charged 5 s. 3 s. 4 d. and 2 s. 6 d. per Quarter; which put Dr. Bennet under a Necessity (as he set forth in his printed Case to the House of Lords) " of filing a Bill " in the Court of Exchequer, and therein demanding of the Respondents an Account of the Tithe of their Houses after the Rate of 2 s. 9 d. in the Pound." For so Sir *Constantine Phipps* had given his Opinion, That if there was no Custom or Usage touching the Payment of the Tithes of Houses, he thought the Vicar must demand 2 s. 9 d. in the Pound, according to the Stat. 37 Hen. 8. and exhibit his Bill in the Exchequer for that Sum.

Secondly, The Parish of St. Giles Cripplegate, like other Parishes in the Suburbs of the City, had of late Years increased very much in the Number of Houses; several new Buildings having been erected, within the Memory of Persons then living, in Places where there were none before: From all which new Erections, the Doctor apprehended he had a clear Right to 2 s. 9 d. in the Pound, as they could not possibly pretend a Custom or Usage in Bar of that Demand. And as a great Part of the City was concern'd in the Consequence of this Dispute, and it was a Cause in which the Magistrates themselves might be interested; either as Owners or Inhabitants of Houses,

Houses, who were liable to the same Claim; he thought it ought not to be tried in the City; for the same Reason that such Justices of the Peace as are *Patrons* of the Church, or any ways interested in the Tithes, are by the 7th and 8th of *William* the Third, forbid to take Cognizance of the Minister's Complaint against a Quaker for Tithes.

“ *Martba Hall, Katherine Woodward, and Robert Boulwood*, (say they) were prosecuted in the Exchequer (*Ann.* 1726.) for Tithes, at the Suit of *Thomas Bennet*.

The Circumstances of this Affair, as set forth in the *Examination*, &c. p. 72. of which the Quakers have taken no Notice, clearly shew, that this ought not to have been number'd among their *suffering Cases*. And of this they seem to be conscious, by their not attempting to shew any Hardships towards their Brethren in particular, only as they were included (p. 89.) within the *Doctor's General View of oppressing his whole Parish*. “ Did the Doctor (say they, p. 90.) really prosecute 304 of his Parishioners in the Exchequer, on a Claim of 25. 9d. in the Pound, which he had already experienc'd by a long and expensive Law-suit, to be invalid? And does not such a Prosecution, wherein he could have no reasonable Hope of Success, bespeak him very vexatious and oppressive?” If all this was true, the Quakers have no Reason to complain, so long as their Friends were treated with great Lenity and Indulgence; but it is Misrepresentation throughout. For 1st. He proceeded no farther than to the bare filing of the Bill against the greatest Part of that Number; not above three or four Persons, who pretended *particular Exemptions*, being obliged to

to answer. 2dly, He had not already experienced his Claim to be invalid : For it was never pretended in *Trepas's Case*, which is the expensive Law-suit referr'd to, that there was any one general customary Rate less than 2 s. 9 d. in the Pound, in the Parish of *Cripplegate*. On the contrary, the Respondent's own Answers proved, that *Trepas's* customary Payment was after the Rate of about 22 d. in the Pound, and *Bockett's* and *Witchel's* after the Rate of about 4 d. in the Pound, and no more ; so that the Doctor only experienced from this Suit, that there were different Customs on the three Houses in Dispute, which by no Means proved his Claim of 2 s. 9 d. in the Pound from *other* Houses, to be invalid. Lastly, Whether this Prosecution bespeaks him very vexatious and oppressive, may be judged from the Circumstances of it as before recited, and by the following Extracts from a printed Letter to his Parishioners but a few Months before the *Teste* of the said Bill. — “ You know
 “ I have been near Ten Years Vicar of this Parish, and what Forbearance I have used with
 “ respect to my Tithes. I am heartily sorry that
 “ so much Tenderness on my Part, has not inclined you to do me Justice ; and that the
 “ more patient I am, the worse I am treated.
 “ For not only those who paid my Predecessors,
 “ do refuse to pay me ; but even those who paid
 “ me formerly refuse to pay me now. It will
 “ not easily be believed how deeply I have already suffered by this Means ; and what the
 “ Consequence must needs be, if a speedy Stop
 “ be not put to it, every Man foresees. I am
 “ therefore under a Necessity of altering my
 “ Measures, and you must blame none but yourself if you feel any disagreeable Effects of the
 “ Alte-

“ Alteration, and I proceed in the Court of Ex-
 “ chequer. I give you this Notice, that you
 “ may avoid a Prosecution which will be ex-
 “ ceedingly severe and expensive. I beg you
 “ would be so much your own Friend, as to
 “ take good Advice before you run the Risque
 “ of Mischief. — However, I am resolved
 “ to take effectual Care, that no one Person shall
 “ be compelled to pay my Tithes, who can
 “ with any Shew of Reason plead that he is not
 “ well *able* to do it. Wherefore, if you think
 “ there is any particular Hardship in your Case,
 “ or any Plea for my Compassion or Forbear-
 “ ance, I pray lay it freely before me ; and I do
 “ faithfully promise you, I will consider it im-
 “ partially, and be as favourable as can with
 “ any Reason be desired. I am heartily unwill-
 “ ling to give you any Trouble ; and therefore
 “ I entreat you to come to my House, that we
 “ may discourse amicably of this Affair, and
 “ make an End of it in a peaceable Way ; where-
 “ as if you refuse to come to me according to
 “ my Request, I shall be forced immediately to
 “ take such Measures as are very disagreeable to
 “ my Inclinations.”

It is observable from this Letter, that though
 the Bill in 1726 was brought for 2 s. 9 d. in the
 Pound, yet the Doctor, in his previous Applica-
 tions to the People, demanded only the custo-
 mary Payments, being so many *Sixpences* as they
 • paid *Pounds* a Year Rent for their Houses, or
 some such small Sums. And who then were the
 vexatious and oppressive ? He that insisted only
 on the lowest Claim that could possibly be due
 to him ; or they who obstinately refused to
 comply with his just and reasonable Demand ?

That Dr. *Bennet* might not fall under the Im-
 putation of being particularly severe upon the

Qua-

Quakers, it was observed in the *Examination*, &c. (p. 72.) that there were *several* in the *Middlesex-Part* of his Parish, who refused to pay Tithes for their Houses, and were never prosecuted by him. To which they reply in their *Vindication* (p. 90.) “ The Reason of that appears to be, that no
 “ Tithes on Houses were there legally due ; and
 “ that so long as many of the People, through Ig-
 “ norance or Fear, were induced to pay, it was
 “ not the Doctor’s Interest, by prosecuting
 “ those who would not, to discover the Weak-
 “ nesses of his own Claim.” From hence the Reader is to imagine, that Dr. Bennet set up a new Claim which had not been made by his Predecessors ; or at least, that there was no immemorial Custom of paying Tithes for Houses in that part of the Parish. For the Quakers are too well acquainted with the Laws of Tithes, to be ignorant, that there may be a Custom upon Places to pay their Tithes by their Houses, and that such a *Modus* or *Prescription* hath been determined to be good and valid in Law. And if they had but consulted the ancient Inhabitants of the Place in Question, they would have informed them, that they and their Fathers before them, long before Dr. Bennet was Minister of the Parish, had always used to pay Tithes for their Houses Quarterly, according to the Rate in the Vicar’s Book. That Rate, it appears, was formerly 2 s. in the Pound, according to the yearly Rent of the Houses : For so Dr. Buckeridge, who was made Vicar of St. Giles’s in 1604, and after Bishop of Ely, certified in a Letter to his Successor Dr. Fuller, — “ That for the Space of Three
 “ and twenty Years that he was Vicar of the Pa-
 “ rish, he received the Tithes of the *Lordship* (so
 “ the *Middlesex-Part* was called) after the Rate
 of

“ of 2 s. in the Pound, without Contradiction.
 “ According to which Rate, as he understood by
 “ the Books, his Predecessor Bp. *Andrews* had
 “ in like Sort received the said Sum of 2 s. in
 “ the Pound, during his Lordship's Incumben-
 “ cy, being about 17 Years ; and that Sum was
 “ never denied him, nor called in Question.”

But in the Years 1631 and 1632, the very Point now in question, *Whether any Tithes on Houses were there legally due*, was publickly contested between Dr. *Fuller*, Vicar, and Mr. *William Howe*, an Inhabitant in that part of the Parish, and was determined in Favour of the Vicar. The original Proceedings in that Affair were in Dr. *Bennet's* Hands all the Time he was Vicar of the Parish, and are still forth-coming.

1st, Dr. *Fuller's* Petition to his Majesty, setting forth, “ That all the Inhabitants of the said
 “ Parish without the Liberties of the City, had
 “ time out of Mind, paid unto the Vicar for and
 “ in Lieu of all Tithes for their Houses, after
 “ the Rate of 8 d. in the Noble of the known
 “ Rent ; yet *William Howe*, Gent. being such
 “ an Inhabitant, had denied to pay any Tithes,
 “ pretending none to be due ; That he had
 “ thereupon preferred his Bill in Chancery for
 “ Relief ; depending which Suit, divers of the
 “ Parish refused to pay their Tithes, encouraged
 “ by Mr. *Howe*, who gave forth, that there
 “ was no such Custom, neither in that Parish,
 “ nor in any other of the Parishes. And there-
 “ fore beseeching his Majesty, that being a Cause
 “ of such Generality and Consequence, he would
 “ be pleased that some of the Lords of the Privy
 “ Council, Bishops, Judges, &c. might call Mr.
 “ *Howe* before them, and compose Differences,
 “ if they could ; if not, that they might certify
 F his

“ his Majesty how the State of the Case stood,
 “ and what they conceiv'd fit to be done there-
 “ in.”

2dly, An Order from the Council-board
 by the Lords Referees, “ That the Matter had
 “ been argued at the Board by learned Council
 “ on both Sides before them ; but finding that
 “ the Difficulty consisted chiefly in Matter of
 “ Law, their Lordships were pleased to refer
 “ the same to Sir *Thomas Richardson*, Lord
 “ Chief Justice of the King's Bench, Sir *Robert*
 “ *Heath*, Lord Chief Justice of the Common
 “ Pleas, and Sir *Humphrey Davenport*, Lord
 “ Chief Baron of the Exchequer ; praying and
 “ requiring them to set down their Opinions in
 “ Writing, Whether in Law the Tithe deman-
 “ ded by the Petitioner be due or not ; and to
 “ certify the Board with as much Expedition as
 “ they can.”

3dly, The Certificate of the said three Chief
 Judges, — “ That having called the Parties be-
 “ fore them, and heard them and their learned
 “ Council, they did find, — That the Inhabi-
 “ tants and Occupiers of all the Houses in the
 “ said Parish of *St. Giles without Cripplegate*, be-
 “ ing without the Liberties of the City of *Lon-*
 “ *don*, had Time out of Mind (as in other
 “ adjacent Parishes) paid to the Vicar of
 “ the said Parish for the Time being, in Lieu
 “ of all Tithes for their Houses, after the Rate
 “ of 8 *d.* in the Noble, by the Year, of the
 “ known Rent for which their Houses then or
 “ last before were lett at ; and that Mr. *Howe*
 “ ought by the Law to pay Dr. *Fuller* after
 “ that Rate for the House in which he dwel-
 “ leth.

4thly,

4thly, An Order of Council reciting the Judges Certificate, and further declaring, " That their Lordships, upon Consideration had thereof, finding Cause to concur in Opinion with the said Certificate, did think fit to order, That the said Mr. *Howe* be hereby required and enjoyned, as well to pay and continue the Payment of the Sum adjudged to the said Dr. *Fuller* for the Tithes of the said House wherein he dwelleth, as likewise to pay after the same Rate to the said Doctor, all the Arrearages of Tithes due for the same, ever since he came to be Vicar and Incumbent of the said Church."

Whether these original Papers would be admitted as Evidence in any of our present Courts of Law or Equity, or not, they will be Evidence to all reasonable Men, *That Tithes on Houses were there legally due*, and that the Quakers have, in this Instance at least, to serve their present Turn, boldly asserted what they did not know to be true.

IN the *Vindication*, p. 86. a Question is made, whether *Daniel Aylet* of *GOSFIELD*, did, after the Prosecution was over, pay Tythes, without causing any Trouble to the Vicar; as is affirm'd in the *Examination*, p. 69. Now, what is offer'd to invalidate that Fact? Nothing, but that *Aylet* was su'd for Non-payment of Tythe in ANOTHER Parish; a bare *Presumption*, against a positive *Affertion*; and this advanc'd, only to gain *Aylet* the Honour of being constant in his *Testimony* against Tythe, and that he might not be thought (as they word it elsewhere) a weak Confessor to the Truth.

IN the *Vindication*, p. 94, 95, it is observ'd, that, whereas the Prosecution brought against a Quaker of *WARE* (which, by the way, was brought by the *Tyth-farmer*, and not by the *Incumbent*,) was for 40 s.; and the present Incumbent says, in the *Examination*, that 50 s. was paid, and *no Costs*; the Inference must be, that he paid 10 s. for *Costs*. This, either Way, is a Matter of very small Consequence, if we should suppose that the Information given to the present Incumbent was 50 s. instead of 40 s. and that their Mention of 40 s. being not in the *Body* of the Book, but by way of *Note* at the *Bottom* of the Page, might easily escape Observation. But suppose it to be certain, that 40 s. was the Sum su'd for, and 50 s. the Sum receiv'd; why must the additional 10 s. be necessarily for *Costs*, which is merely a *Conjecture* of their's; and why might it not rather have been a *further Due*, which had been growing to the *Tyth-farmer*, while the Suit was depending?

IN the *Vindication*, p. 95. it is observ'd, that there is *one Prosecution in the Diocese of London*, which the Examiner has taken no Notice of. An Omission, which was merely accidental, and is fairly accounted for, as that Parish lies in the County of *Hertford*, in which the Jurisdictions of *London* and *Lincoln* are mix'd; and such a Mistake might easily happen in making the Separation. The Instance, as it stands in p. 59. of the *Brief Account*, ann. 1702. is as follows:

“ *James Laurence* of *Cbesbunt* was prosecuted
 “ in the Exchequer, at the Suit of *Richard*
 “ *Chapman*, Parion of *Cbesbunt*. — *Laurence*
 “ was a poor Day-labourer, and the Parson's
 “ Demand

“ Demand but 8 d. *per annum*, for four or five
“ Years Tythe.”

The Answer of the present Incumbent.

James Laurence is still living at *Enfield*, and says, that there was an Exchequer Writ serv'd upon him, but that he never heard any more of it, Mr. Chapman being at all the Expence himself, and he not put to any Charge whatever upon that Account. Laurence is now reputed a *Substantial Man*; but refuses (as when he was poor) to pay Tythes to the Minister of his Parish, or to permit any other Person to do it for him.

[The Account from the Records of the Exchequer, is as follows: “ A Bill filed by Richard Chapman, Clerk, Vicar of *Chestnut*, against James Laurence, (in common with five other Parishioners, there nam'd;) but no Answer of any of the Defendants.]

IN the *Vindication*, p. 101. — One head in the Quaker's *Brief Account*, is as follows: “ Ann. 1705. John Raven the younger, of MALDEN, was prosecuted in the Exchequer, at the Suit of John Lister and John Kennedy, Parsons, for a Demand of 16 l. Tythes between them.” To which, it is said in the *Examination*, p. 80. “ It is certain there were no such Clergymen.” This the *Vindicator* censures as a great Mistake, because “ upon Enquiry, it appears that they were both Clergymen, the one of *Rochfort*, and the other of the Isle of *Foulness*; where Raven had occupied Lands, tho' at the Time of the Prosecution he dwelt at *Malden*.”

The *Vindicator*, at the same time that he censures

shews the Mistake, has shewn to whose Account it ought to be placed. The Quakers in their *Brief Account* refer'd their Readers to *Maldon*, and to no other Place. *There*, Enquiry was made, and no such Persons found or heard of. The Word *Parsons* might signify either *Incumbents* or *Impropriators*; and tho' two Persons might have an Interest in one and the same Impropriation, and so bring the Suit joyntly, it could not easily be conceiv'd, how the Incumbents of two different Parishes, and those at some *Distance* from each other, should, as such, have a joynt Concern in Tythes, and so bring the Suit in one and the same Bill; for so it appear'd to be upon the Face of the *Brief Account*. But upon searching the Records of the Exchequer, it appears, that tho' the *Bills*, and *Raven's* Answers bore the *same Date* (which might occasion that Error in the *Brief Account*) yet both were *distinct*. And it appears from the same Records, that one *John Nott* (who, as not mention'd by them, we may take it for granted was *not* a Quaker) was comprised in both the *Bills*, together with *Raven*.

IN the *Vindication*, p. 106. *John Taylor* says, he does not remember that the Minister of *WOODFORD* in *Essex*, made any *Demand* of Tythe from him: But tho' his Memory is so short, the Minister well remembers, that he sent to him for Tythe, and his Answer was, That he never had paid Tythe, neither did he intend ever to pay any.—— The Incumbent adds;
 “ His Tythe indeed did not amount to above
 “ four or five Shillings a Year, and therefore
 “ I chose rather to sit down with the Loss, than
 “ give him any Trouble. But if every Gentle-
 “ man

“ man in the Parish of *Woodford* was to use me
 “ as he did, the Living would decrease in Value
 “ near 30 l. a Year.

TO what is said in the *Vindication*, (p. 107, 108, 109,) relating to the Tythes due from a Gardener in the Parish of *St. PETER* in *COLCHESTER*, the present Incumbent makes the following Answer :

1. “ When the Gardener (says the *Vindication*)
 “ first hired the said Garden-grounds on Lease,
 “ much more than 20 Years ago, the Landlord
 “ assured him, that they were exempt from Pay-
 “ ment of Tythe, &c.”

What passed between Landlord and Tenant, at the granting of the Lease, I cannot say : But I very well remember, that when I had been a few Years in this Town, the Landlord came to me, and desired I would be favourable to his Tenant, because he was poor. He entreated me to drop my Demands for the Time past ; and told me, I should be paid *Ten Shillings a Year for the Future*, if I would take it.

2. The *Vindication* adds ; “ The Incumbent
 “ continued to fatigue him and his Family with
 “ Duns and Threats, to no Purpose, till at
 “ length, in his Absence, he got ten Shillings
 “ from his Wife ; which, she said, she gave him
 “ for Quietness Sake, and to prevent such
 “ Trouble as he threatned them with.”

The Gardener standing indebted to me for ten Years Tythe (which, at a moderate Valuation, I think, must amount to twenty Pounds) I went to his House, and ask'd him for some Money. He gave me a melancholy Description of his Affairs, and seem'd to weep. I desired him to give me
 what

what he could spare, and I would discharge him ; and when I propos'd such a trivial Sum as ten Shillings, he rose up with great Chearfulness, and got me the Money ; which I either received from his own Hands, or (I speak it with the greatest Assurance) by his own express Order, and *in his Presence*. The poor Man, for a long Time after, seem'd to retain a grateful Sense of this Favour, and told his Neighbours how kind I had been to him.

3. The *Vindication* goes on : “ The Incumbent continued troublesome, and sent his Servant often for Goods without Money, till the Gardener grew weary, and complained to his Landlord of the Burthen.”

If my Servants gave him any Trouble, by taking his Goods without Money, it was a Trouble of his own creating. I believe, he chose rather to pay me in the Fruits of his Garden, than in Money, and therefore desired me to send for any Thing I wanted, that his Garden produced. I sent my Servants by his Order, and at his own Request, for about ten Years together ; and in all that Time met with no Refusal. Nay, the Gardener does now expressly declare, that *he never refused my Servants any Thing in his whole Life* ; and affirms, that whatever has been said to the contrary, was a Mistake, which was founded upon the Misrepresentation of my Servants.

4. Further, the *Vindication* says ; “ His Landlord thereupon consulted an experienced Lawyer of the Town, who assured him, that the Parson could not recover any Tythes of that Land.”

A Person of this Town lately purchased a Piece of Land, which had been fed by Cattle for a great many Years. The Tythe of Herbage being very inconsiderable, I seldom, if ever, made

a Demand of it. The Land is now occupied by the Gardener, and the Owner of it, some time ago, occasionally ask'd a *Colchester* Attorney, whether I had any Right to the Tythe. The Answer was, that he believed I had no Right to the Tythe of any Land in the Parish. This extraordinary Opinion, tho' carelessly deliver'd, and without Fee (and unsupported, as far as I could ever learn, by Reason or Law, by Evidence or Authority,) is now pretended to be decisive in Favour of the Gardener; and has inspired him with a Resolution (as 'tis falsely suggested) never to make any Agreement with me, or to let me have any more Goods.

IN the *Vindication*, p. 112, the Examiner stands charged with having, in p. 26. recited a Passage relating to *GREAT OAKLEY* in *Essex*; differently from what had been said before in p. 53. But in that, the Vindicator supposes what is not true, viz. That the Account in p. 58. was taken from that in p. 53. — It was taken from a different Information, such as might be entirely depended on; and is set down, Word for Word, exactly as it was recieved. And upon further Enquiry, since their *Vindication* was publish'd, the present Incumbent affirms, that he actually lost for many Years the Tythes of Lands, which till of late were in the Occupation of one *John Harvey*, a Quaker (which Loss was very considerable,) and of a House and Garden in the Possession of one *Barnabas Stephenson*, of the same Denomination.

To show that the Vindicator is willing to lay hold upon every the least Occasion of Cavil; it may be fit to observe, that this Case was not mention'd, directly or indirectly, in the Qua-

kers *Brief Account*, and therefore did not properly fall within the Province of a *Vindicator* of that *Account*.

UPON what is said in the *Vindication* (p. 114, 115.) with Regard to the Parish of *WEST-HAM* in *Essex*, the present Incumbent makes the following Observations.

It was said in the Examination, at *West-Ham* in *Essex*, — “ There are several Quakers in the Parish of *West-Ham*, and all of them pay Tithe to the *Lay Impropiator*, without disputing.” To which, the *Vindicator* answers, “ This Assertion is not true ; there being several Quakers in that Parish, on whom the *Lay Impropiator* has no Claim for Tithe ”.

To this the Incumbent replies: The Point to be proved, was the Difference which the Quakers of this Parish make, in their Treatment of the *Lay Impropiator*, who has the great Tithes, and the Vicar, who has only the small Tithes. In order to which, it was asserted as a Fact, that all of them paid Tithe to the *Lay Impropiator* without disputing. This Fact the *Vindicator* attempts to disprove, by saying, that all of them do not, because there are some Quakers in that Parish on whom the *Lay Impropiator* has no Claim. Can any thing be more trifling than this? Can it be supposed that the Relater could possibly mean, or an impartial Reader understand otherwise by this Assertion, than that all those Quakers on whom the *Lay Impropiator* had any Demand for great Tithes, did actually pay them without disputing? The making use of so evasive an Answer, is sufficient to convince any unprejudiced Person, that the *Vindicator*, having by Inquiry found the Fact to be true, was forced to stoop

stoop very low, that he might seem to say something.

It was said in the *Examination*, “ That Capt. *Hankey*, a Quaker, one Year, gave the present Vicar half a Guinea for an *Easter-Offering*; but he dying before the Year was expired, his Widow has since refused to pay any thing to the Vicar.”

To which the *Vindicator* replies; “ This is a partial Account of a private Transaction betwixt Capt. *Hankey* and the Vicar. The Captain being dead, the Vicar may represent it as he pleases: An impartial Reader will determine nothing in a Case, where both Sides cannot be heard.”

What the Vicar has to say to this Matter, is as follows: That it has been a Custom in his Parish of a long standing, for the Vicar to be accompanied by two or more of the most substantial Parishioners when he collects his *Easter-Offerings*, who are Witnesses of what Money every Inhabitant gives him for an Offering. This was the Case when he received Capt. *Hankey's* Offering; there being two Gentlemen (Parishioners) with him at that Time, one of whom is now living, and he well remembers the Fact, and, if call'd upon, will readily attest the Truth of it, and consequently shew the Falsity of the *Vindicator's* Assertion, “ That it is a partial Account of a private Transaction betwixt the Vicar and Capt. *Hankey*.”

IN what was said in the *Examination* (p. 89.) under the Head of *BARKING* in *Essex*, there was a Mistake, of *Tytbes*, for *Easter Offerings*; and it ought to have been placed under the Head immediately foregoing (Numb. 5.) as one
G 2 of

of the Evidences of the Patience and Forbearance of the Clergy towards the Quakers. The Account of the present Incumbent is as follows :
 “ My Reply to the Gentleman that came to me,
 “ to make Enquiry concerning the Prosecution
 “ of Quakers, was, to the best of my Remembrance, to this Effect : That no Contest at
 “ Law had ever happen’d, that I knew of, between the *Incumbent*, or the *Lay Impropriators*
 “ of this Parish, and any of the People call’d
 “ *Quakers*; That I had not as yet demanded
 “ any Tythe, or received Money in Lieu of
 “ Tythe, from any Quaker; That I had sent
 “ to the chief of them for their *Easter-Dues*,
 “ which all that I sent to, refused to pay.”

IN the *Examination*, one Head was, the Difference which some Quakers make, in their Treatment of the *Impropiator* and the *Vicar*; and one Instance was at *GESTLINGTHORPE* in *Essex*, the Truth of which the present Incumbent further confirms, as follows, “ That *Zechariah Parmentor* has *punctually* paid a Composition for great Tythes to the Lessee of the *Impropiator*, and *quietly* too, for many Years last past, appears by authentick Vouchers, and is very well known, and can be attested by his Neighbours, who annually meet on the 2d of *February* for that very Purpose.

The *Vicar* adds, that *Parmentor* scarce ever paid him without *Clamour* and much *Abuse*; which occasioned his demanding the small Tythes in Kind; and by that Means he has experienced, that the Quaker did not give him half the real Value by Composition, though double the Sum formerly paid to his Predecessor Mr. *Goodwin*;” Who, notwithstanding this Lenity, could not escape

escape the Censure of the *Vindicator*, (p. 81.) as the most *unmerciful* of his Creditors. The present Incumbent may save himself the Trouble of specifying any slanderous Expressions of this *Parmentor*, because the Instances of his ready Talent that Way have been frequent; and once in particular, in the Face of the whole Parish, upon the Day of *Perambulation*; when he endeavoured to obstruct their regular *Procession*.

IN the *Examination* (p. 89.) under the same Head of the different Treatment by Quakers, of *Impropriators* and *Vicars*; one Instance was at *TOTTENHAM* in *Middlesex*; and it is there added, that they likewise pay *Church Rates* to the Parish Officers quietly, as other Parishioners do. To this the *Vindicator* answers, That the Generality of the Quakers at *Tottenbam* hold no Lands, and that no *Church Rate* has been in that Parish for these seven Years last past.

On those two Heads, the Reply of the Incumbent is as follows. My Assertion, "That those of the Quakers who hold Lands, pay the usual Rate for great Tythes to the *Impropriator* without Trouble," can be easily proved by four or five Instances, for several Years back, which now lie ready before me, were there any Occasion to produce them.

But the Quakers in their Answer do not deny it; and only mention the Smallness of the Number of those who hold Lands. But be the Numbers few or many, I conceive 'tis nothing to the purpose.

As to the other Article of *Church Rates*, I have called all the Books before me, from the Year 1723, and find the several *Church Rates* following.

1723. *Joseph*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
1723. <i>Joseph Thompson</i> , Church-Warden, a Rate made and collected for the Repair of the Steeple.	53	5	00
1729. <i>Edward Love</i> , Church-Warden, a Rate for the Repair of the Roof of the Church.	56	0	00
1732. <i>George Banfon</i> , Church-Warden, a Rate for the Repairs of the Church.	43	3	11
1734. <i>Tho. Treadwell</i> , Church-Warden, a Rate for the Church, and Altar-piece.	30	5	06

The Leading Men among the Quakers scrupled the Payment of the first of these Rates in the Year 1723, as it then stood, and was collected in the Form of a Church Rate. But then they told the Church-Wardens and Overseers, that if the *Church* and *Poors* Rates were blended together, and collected in one Article, their People (the Quakers) would not refuse Payment. Accordingly, the Parish-Officers were willing to humour them therein; and, ever since, the Quakers, all of 'em, have without Trouble paid the Church Rates in that Shape.

IN the *Examination*, (p. 90.) under the Head of "Some of the Quakers *PROCURING Distresses* for Non-payment," one Instance is at *BIRDBROOKE* in *Essex*; and there the Incumbent introduc'd it with an Account of the Payment of Tythe by the Quakers in the time of his Predecessor. His Defence of that Account, and of the Truth of the Quaker's requesting to go before the Justice, is as follows.

I have seen *Francis Maybew*, [Brother of the Quaker] and made the strictest Inquiry I could relating to his paying my Predecessor for his Tythes due from the Quaker : And he still says, that he (*F. Maybew*) did always satisfy Mr. *Thompson* the Rector (out of his Brother's Effects) from the first of his Incumbency ; till the Quaker became uneasy with his said Brother about it, which was, as well as he can remember, about the Year 1703. At that time Mr. *Thompson*, on the Death of his Wife, retired to his Estate in *Yorkshire*, and was not constantly Resident again in four or five Years. In his Absence, the Distresses mention'd in the Years 1706, 1707, were made by his Tenant.—— Soon after *Michaelmas* 1711, (as I find by the Register, and the Account of some Neighbours) Mr. *Thompson* again went into *Yorkshire*, and continued there to the Beginning of the Year 1714. In the mean time, the Glebe and Tithe were lett ; so that the Seizure mentioned in 1713, was by the Tenant's Servants, and not the Parson's, as the *Vindicator* asserts. That *F. Maybew* did pay Mr. *Thompson* for several Years, I can appeal not only to him, but to Mr. *James Walford*, who was present at several Payments, and will testify the same upon Occasion.

As to the Account of the Quaker, since I became Incumbent, it is Matter of Fact, that he did *desire* or *request* to go with the Tenant to a single Justice ; that he there *consented*, that his single Authority should be sufficient for the Distress ; and that he would *acquiesce* under it without farther Trouble. That this is true, I have the Pleasure to appeal to *Tho. Walford*, Esq; a very worthy Magistrate, and a Lover of Truth. I can appeal likewise for the Truth of the above

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Account to *Robert Coote* and *John Rist* the Elder; both living in *Steeple Bumstead*; who have gone with the Quaker (the one or the other) to Justice *Kemp*, while living, and since his Death, to Justice *Walsford*.

The only Objection that can be made to my former Account, is the Word *always*, as being extended to the Year 1714; which it ought not to have been, and which must be imputed to the failing of my Informer's Memory, being ancient (78,) and infirm.

The *Vindicator* says, It does not appear, whether there was any Summons: And it is very true, there was none: He went *voluntarily*.

He further says, The Complaint should be made to *two* Justices: This also is true; but a Warrant even from two Justices would not have been sufficient in this Case, the Sum exceeding Ten Pounds. This therefore shews, by the Quaker's Compliance with but the *Face* of Authority, how small a Matter could satisfy his Scruple of Conscience.

SECT. II.

*An Answer to the REASONINGS contain'd
in the Quakers Vindication.*

AN Account having been thus given of several *Facts* in the *Vindication*, which concern the Merits of the Cause, or the Veracity of the Relators; Notice must be taken, in the next Place, of the REASONINGS of the *Quakers*; which, it must be own'd, deserve some Notice, as many of them are of a very extraordinary Nature.

Vindication, p. 3.] It is there said, that the Clause in the Act (7, 8, W. 3.) for the Recovery of *Tytbes* and *Church-rates* from *Quakers*, was inserted in *Favour of the Clergy, and at their Request*;" No doubt, to suggest the *Inconsistency* and *Unreasonableness* of the Clergy's opposing the late Bill. But can a Consequence be drawn, from their approving one Bill (which leaves them at full Liberty to apply to the Establish'd Courts, Civil or Ecclesiastical, if they find Reason, in particular Circumstances, to chuse those, rather than the Remedy it proposes;) that therefore they ought not to *oppose* another Bill, which deprives them at once of the Benefit of all the Laws in Being, and ties them down to the new-created Remedy, whatever Reasons they may have to decline it? And, that in many Cases, there may be Reasons, and very good ones, to *decline* it, none can be ignorant, who will open their Eyes, and attend to the Instances which have been given.

Vindication, p. 5.] The Clergy are there censured, as being the *only* Persons who thought the Prosecutions, as represented by the Quakers, a *Reproach* to them, and who distinguish'd themselves by an Opposition to the Bill; tho' it equally affected *Lay Impropriators, Tythe-farmers, and Church-wardens*. Upon which it may justly be observed, ' That at first setting-out, and while the Bill was depending, the Quakers represented the Prosecutions only in the gross, as 1100, *and above*. And as the Suggestions of Cruelty and Ill-will were understood by every body to be chiefly, if not wholly, level'd against the Clergy, so it did not *then* appear, that any *others* were concern'd in it; ' That the *Characters* of the Clergy are of a more tender Nature than those of other Men, and by consequence the Reproaches cast upon them are more sensibly felt; ' That, in the Payment of Tythes, Quakers are known to make a great Distinction between Incumbents, and Lay Impropriators and Occupiers (Instances of which are given in the *Examination*, p. 88, &c.) or if they did not, Impropriators are usually less *disliked* and more *fear'd* by them, than the Clergy; ' That the Loss of Tythes and other Dues falls far *heavier* upon a poor Vicar, than the Loss of a Church-rate upon a *whole Parish*.

Vindication, p. 6.] The Quakers say, that in their *brief Account of Prosecutions*, &c. they only relate Matters of Fact, and leave every Reader to form his own Judgment of the MOTIVES. But, with their Leave, the *Motives*, as due or undue, are the single Point in Question. If the Justices refused to act, or if the Tythe was of such a Nature, that the Particulars and the Valuation thereof could not be known and adjusted, without

without the *Oath* or *Solemn Affirmation* of the Party; in these and the like Cases, the Clergy were under a *Necessity* of having Recourse to the stated Courts, which are open to every body, and where they had a *Right* to an Answer in *Writing*, upon the Oath or Affirmation of the Party; according to the *stated Rules* of those Courts. And if a particular Quaker had been notoriously *perverse* and *abusive* in his Behaviour towards the Incumbent (as some of them have been,) the carrying such an one into the Spiritual or Temporal Court, cannot be said to favour of *Ill-will* or *Severity* towards *Quakers*, as such.

Vindication, p. 8.] It is said, that the Calculation of the Prosecutions, as stated in the *Examination*, (p. 11; 12.) seems design'd to mislead the Reader, and to impose upon him the Number of Prosecutions, instead of the Number Prosecuted. —The Design of the Examination, was to vindicate the Characters of the Clergy, who were mark'd out as Prosecutors in the *Brief Account*; and it was not at all material, whether one or more Quakers were included in the Prosecution, when the Cause, the *Bill*, and their Concern in it, were one and the same. But it is amazing, that they should suggest a Design to mislead and impose upon the Reader, when they saw the Name of every individual Quaker who had been prosecuted, transcribed in the *Examination*, exactly and at length, out of their own *Brief Account*.

Vindication, p. 10.] Here, say they, the Examiner expatiates on the *Patience* and *Forbearance* of the Clergy, Year after Year. And well he might; considering the numerous Testimonies he gives of it, in the Course of the *Examination*. But it is an ungrateful Return on the Part of the Quakers, to suggest, that such Forbear-

ance was on Purpose to prepare the Way for a severer Prosecution [meaning, in the Ecclesiastical Court, or the Exchequer, after the Sum had grown, by that Forbearance, to be above ten Pounds ;] and very cruel in them to add, *that there could not be a clearer Demonstration of Malice, than a rigid Procedure after several Years Premeditation* : When they knew very well, that if an Incumbent, in that Case, had been maliciously disposed, it was in his Power to have brought a Prosecution in either of those Courts, for the Tythe of every single Year.

That there may be no Possibility of the Clergies meriting by Forbearance ; they even make it an Argument against their Right. For Instance ; In favour of the Clergy at Colchester, it was said in the Examination, *That they make no Demand upon the Quakers for Easter-Offerings, or for Fees of Marriage*. Upon this their Observation is, *This looks as if there were none legally due*.——If a Clergyman demands and prosecutes his Right, this is unreasonable, or unjust (*Vind.* p. 62, 69, 115, 119, 129.) If he does not demand or prosecute, this looks as if he had no Right.——If he claims every Year, this is unnecessary Trouble, and want of Love to his Neighbour : If he forbears several Years, this is done on Purpose to prepare the Way for a severer Prosecution, and is a clear Demonstration of Malice.

Vindication, p. 11.] What they say there is true, That the Act does not forbid the Justices of Peace to determin, unless the Title of the Tythes be in Question. But what they add, i. e. unless a Party concern'd call it in Question, is their own Comment. The Incumbent might certainly know, that the Title must be the Thing in Question, and the

the Complaint in the *Examination* is, their inserting *such* Instances in their *Brief Account*, as Testimonies of the Clergy's *choosing* to have Recourse to the stated Courts; and not to the Justices. And, surely, it cannot be expected from Incumbents, in such Cases, that they should be at the *Trouble* and *Charge* of applying to Judges, who, according to their *Belief*, have not the Cognizance of the Cause; and decline Judges, before whom it is *certainly* cognizable.

Vindication, p. 13.] It was observ'd in the *Examination* (with Reference to the Complaint of the Quakers, in their *Brief Account*, of Prosecutions for *small Sums*, and to the great Care they had taken to specify *all such*;) that nothing is more common, than a Suit for a *Small Sum* due from *one* Person, on the Issue of which a *great Sum* due from *many others*, may depend. This they deny not to be a *common Practice*, but pronounce it to be *unchristian* and *inhuman*; and this, in virtue of a Supposition of their own, that the Thing *might* not be legally due, and that the Prosecution might be set afoot, to the End that many others, seeing him ruin'd by the Prosecution, might be terrify'd from the like Demands; Suppositions of their own making, for which there appears not to be any Ground in the present Case. And as to what is added in the *Examination*, of the Prosecution of *one* being intended for an Example to others which are in the same Case; this, there, is plainly limited to Cases, where the *Title* is clear, and the Refusal *obstinate*.

Vindication, p. 14, 15.] It was observ'd in the *Examination*, that tho' it should be supposed, that *all* their Instances of Prosecutions had been cognizable before the Justices, it did not follow from thence,

thence, that the Clergy's carrying the Cause into the Establish'd Courts, was out of *Malice* or *Ill-will*. There *might be* Perverseness and Provocation on the Part of the Quakers, there *might be* Difficulty in obtaining Warrants from the next Justices, there *might be* reasonable Ground of Suspicion, that the Proceedings in one Way might not be altogether so free from Prejudice and Partiality, as in the other.— The *Vindication* excepts against this Way of Reasoning from *Possibility*, as holding *equally* on both Sides. But that is by no means the Case. Instances were given in the *Examination*, that some Quakers *had* been very provoking; and that Justices *had* made a Difficulty in granting Warrants; and as the Quakers acting in a Body, have great Weight in Elections, so the Cause of every individual Quaker is, in fact, made the Cause of the whole Body. And these *Motives* being such as were certainly known to have happened, or such as are *probable* in the Nature of the Thing, cannot be call'd bare *Possibilities*, nor be improperly alledg'd to show, that from the Matters being *cognizable* before the Justices, it did not follow, that it was out of *Malice* and *Ill-will* that the Prosecution was commenced in the Established Courts.

It may fitly be observed under this Head, how unreasonable the Quakers are; first, in carrying the Clergy to a *long Retrospect* of Forty Years (*i. e.* so far back, that the *Motives* and *Circumstances* of *acting* cannot be known with any *Certainty*;) and then finding Fault with them for their offering *Conjectures*. And much more unreasonable are they, in blaming the Clergy on that Account; when they themselves have, in
so

so * many Instances, argued upon mere Conjecture. But for an unexceptionable Answer to the Complaint of the Clergy, for want of Information on Account of the great Distance of Time, and of the Death of Persons who could otherwise have given it; they say, (*pag.* 71, 92, 93.) "That several of the Persons PROSECUTED [*i. e.* the Quakers,] are still living, from whom "the Clergy *might* have been inform'd of the "Circumstances of the Suit."

However, the Clergy do not blame the Quakers so much for carrying them back to a Retrospect of Forty Years (for they dated their Complaints from the time the Act was made, upon which they ground them;) but the Fault they find is, that the Quakers expect more full and clear Accounts of *Facts* and *Circumstances*, than so long a Retrospect will fairly admit. The *Vindicator*, aware of this, endeavours (*pag.* 92, 99.) to soften the Objection, by observing, that from the Year 1700 to the Year 1709, "The Quakers did print, publish, "and present to the Parliament, several Accounts of their *suffering Cases*, while the Facts "were fresh in Memory, the Persons concern'd "living, and the Circumstances easy to be enquired into;" and this, to show, that it was the Fault of the Clergy, not to consider and confute them *then*.

But what were those Accounts, which were presented to the Parliament? Why, They only give us the Titles. The Title of one is, *An Account of SOME late and present Sufferings*; the Title of another, *An Account of some FEW of the many severe Sufferings of the People call'd Quakers*; the Title of a third, *A FEW*

* *Vindic.* p. 50, 51, 63, 65, 68, 72, 73, 74, 84, 85, 92, 112.
Instances

Instances of the severe Prosecutions in the Exchequer, for Tithes of Small Value. What, or how few, these Instances were, we cannot tell, nor whether the *Clergy* were at all concern'd in them. They might, for ought appears, be Prosecutions of *Impropriators, Tithe-farmers and Churchwardens*. But whoever were the Persons concern'd, the Titles also tell us, that what they call *Accounts*, were only PAPERS presented to the Parliament; and every one knows, to how narrow a Compass such Papers are confined, and that they die with the Session, and are heard or talk'd of no more; especially, when the Parliament do not think them worth their Regard.

Vindication, p. 30, 98, 99, 132, 137.] In these Pages, the *Quakers*, to aggravate their Sufferings, have fetch'd in a great Number of Instances out of other Dioceses; but these no way concern the Clergy of the Diocese of *London*, nor, by consequence, the *Examination*, which they were to answer. Those, in due Time, may undergo the same Examination, that their Instances in the Diocese of *London* have already done. And it will be Time enough to judge of them, when it appears, what Accounts the Incumbents within their respective Dioceses shall give of *Facts and Circumstances*.

Vindication, p. 79, 85, 93, 100.] In the Places refer'd to, they speak of *Memoirs of their own, regularly entred in Writing*, as the chief Foundation of the Facts laid down in their *Brief Account*. To which it is sufficient to say, that none but themselves can tell, what is or is not entred in those Memoirs, or upon whose Report or Credit the Entries were made: Most probably, upon the Relation and Credit of the Person prosecuted. But it is a very large Step, to set up the Authority,

Authority of these, in Points of *Fact*, against the Authority of the Records of the *Exchequer*, &c. — The Reasoning in the *Examination* was, That because, in the Records, no Bill was found to have been filed, or no further Prosecution to have been carried on, &c. therefore in this or that Case, no Bill was filed, no further Prosecution was carried on, &c. To this they have a twofold Answer; one, That tho' the Facts be not found in the *Records*, it is found in *their Memoirs*; (which, if admitted, makes the Recourse to the Records, in effect, useless;) and the other, That the Person who extracted the Account from the Records, might over-look the Entry of filing a Bill, &c. But, surely, the proper Answer had been, that the Quakers had employ'd another Hand to search the Records, and that he had found the Entry of the Bill; and till such Answer can be made, the *Negative*, as laid down in the *Examination*, stands unimpeach'd.

Another Sort of Discovery that was made, by having Recourse to the Records of the *Exchequer*, was this: The Quakers in their *Brief Account*, &c. had mentioned no Names but those of *Quakers*; which gave the Prosecutions an Appearance of being commenced out of *Enmity* and *Ill-will*, against *Quakers*, as such. But, upon consulting the Records, it appear'd in many Instances, that Numbers of other Parishioners, who were not Quakers, were put into the same Bill; together with those mentioned in the *Brief Account*; which show'd, that there was no *Enmity* or *Ill-will* in the Case; nor any more than an honest Endeavour, without regard to *Seet* or *Persuasion*, to recover a just Right in a legal Way, from Persons who unjustly with-held it. The *Vindicator* has a ready Answer to this. Not being able

to deny, that the Argument has the *Force* and *Operation* for which it was produced ; he tells his Reader, *that the Examiner, in order to acquit the Clergy of Ill-will to the Quakers, takes the Liberty to represent them as common Enemies ; As if the demanding a just Right, in a legal and impartial Way, were an Act of Enmity.*

Vindication, p. 69, 93, 106, 107, 111, 116.] Hitherto, the Reasonings in the *Vindication* have proceeded, in the main, upon the *Supposition*, That the Clergy have a *Right* to Tythes, Offerings, &c. and to the same Methods of securing and recovering this Right, that other Subjects have ; and the chief Question has been, Whether the Suits in the Cases complained of, ought to have been in the *Establish'd Courts*, or before the *Justices*. But now, we are to take Notice of another Sort of Reasoning, which we find scatter'd here and there in the *Vindication*, and founded upon a *Supposition*, that the Clergy have no *Right* to Tythes, Offerings, &c. and that therefore they have no Merit in *forbearing* to sue for them, whether in the *Establish'd Courts*, or before the *Justices*. — For Instance,

1. It was mentioned in the *Examination* (p. 55.) as a friendly and neighbourly Part, to endeavour to *reconcile one Marsh to Reason*, to prevent further Trouble. To which the Answer is, *That if all Men and their Laws were reconciled to Reason, the Exaction of Tythes must cease.*—
2. Upon the Head of *Offerings*, and *Fees*, to which the Laws have entitled the Clergy from their Parishioners in general, as well as to Tythes, they say, (p. 106, 111.) that to exact Offerings (which are free) by *Force*, is *unacceptable to God*, and *should be so to the Clergy* ; and that, as they do not make use of his Ministry, his saying I have

have lost them [for *Peace-sake*,] is as if a *Man* should complain, that he had lost the *Harvest* of that *Field*, which he neither *plow'd* nor *sow'd*. — 3. It is mentioned in the *Examination* (p. 88.) as a *Proof of Tendernefs*, That the *Vicar* had given a *Quaker* no *Trouble* about his *Tythe*; and that in a particular *Parish*, no *Quaker* had been prosecuted for *Tythes* in the *Memory of Man*: To which the *Answers* are, *The Vicar*, in this, does as he should do; and, *This is for the Honour of the Clergy*, whose *Conversation* ought always to be without *Covetousness*. — 4. It is said in the *Examination*, (p. 88.) that in a particular *Parish*, the *Quakers*, one and all, have *refus'd* to pay any *Tythe*. Upon this, the *Vindication* (p. 115.) says as follows: *This is for the Reputation of the Quakers there; who are to be commended for acting agreeably to their Principles; asserting their Christian Freedom, and rejecting the Yoke of Jewish Bondage.* — But when a *Quaker* is mention'd (*Exam.* p. 75.) as *professing* great *Bitterness* against *Clergymen* (plainly meaning, that he *shows* such *Bitterness* on all *Occasions*,) the *Vindication*, (p. 93.) is short and decisive; *This contradicts itself, because every Quaker professes universal Love to Clergymen, and every body else.*

The bare Mention of such Reasonings, shows,
 1. That they are no way pertinent to the Point in Hand; any more than their long Quotations about the *Nature* of the *Clergy's Property*, and the *Insufficiency* of human *Authority* to make *Laws* for the *Payment of Tythes*. 2. That the suggesting these things, in a *Recommendation* of themselves and their *Cause* to the two *Houses of Parliament*, evidently shows, that their *Views* do not finally terminate and rest in the *MORE EASY RECOVERY* of *Tythes* and *Dues*.

S E C T. III.

*An Answer to their Exceptions against the POOR
VICAR's PLEA.*

VIndication, p. 132, 133, 134.] In the *Poor Vicar's Plea* against the *Quaker's Bill*, which is printed at the End of the *Examination*, five Acts of Parliament are produced (p. 104, 105.) to shew that the Wisdom of the Nation had, from time to time, vested and continued the Cognizance of Tythes in the Ecclesiastical Judge. The Acts are, 13 *Edw.* 1. 27 *H.* 8. 32 *H.* 8. 2 and 3 *Edw.* 6. and 1 *Will.* & *Mar.* And what does the Vindicator say to this Head? Why, he takes no Notice of any but the 13 *Edw.* 1.; after which he contents himself with this short Answer, *By the Vicar's citing this old Statute, and telling us, "That it is the present Law of the Land, and has not been repeal'd by any other Statute whatsoever;" we may observe, how ready some of the Clergy are, to revive any obsolete Romish Law, for enlarging the Ecclesiastical Jurisdiction, &c.* The other four are pass'd over in Silence; and if he had look'd into the Statute-Book, he would have seen that the 13 *Edw.* 1. was not the Creation of a new Power, but the Recognition of an ancient one, and a Protection to the Ecclesiastical Judge against Interruptions from the Temporal Courts, in the Course of his Proceedings in Causes of Tythes.

It was observed in the *Poor VICAR's Plea against the Quaker's Bill*, that *Vicars* in particular, who subsist chiefly upon *small Tythes*, ought not to be depriv'd of the Benefit of the Ecclesiastical Courts, and this for many Reasons, The *Nearness* of the Court, their Inability to engage in long and expensive Suits in the Chancery or Exchequer, and the Impossibility, in many Cases, of *ascertaining* the Value of small Tythes, when *carried away*, without an Answer upon the *Oath* or *solemn Affirmation* of the Party, as to Number, Quantity, Quality, &c. to which the Clergy have a *Right* in the Established Courts, and that *in Writing*.

To this Part of the *Vicar's Plea*, the *Vindicator* says nothing ; but only asks, To what End they should apply to the Ecclesiastical Court, which can indeed *imprison*, but cannot levy by *Distress* what the Vicar sues for. This is true in *Fact*, but not so in the *Consequence* intended to be drawn from it, *viz.* That therefore the Ecclesiastical Court should have no Cognizance of Tythes. Few Quakers are so *deeply* prepossess'd against Tythes, as to hazard the going to Gaol, rather than make Satisfaction, or employ a Friend to do it ; nor so resolute, as to withstand the Importunities of Relations, who have forty Days to work upon them, and, at last, do frequently answer the Demand for them, either out of Kindness, or in Hopes to be repaid in some Shape or other, rather than suffer Things to come to an Extremity. This is what the Laws presume, in enforcing Regard and Obedience to the Authority and Sentences of Courts, by *Imprisonment* ; which is never esteemed an Act of Cruelty, but where the Person imprison'd, is *bonâ fide* not able to pay ; nor has the Legislature thought fit, as yet,

yet, to countenance the Plea of *Conscience* against *Legal Right*. And if the Remedy in the Ecclesiastical Court may happen, in some Cases, to prove ineffectual, as to the End of obtaining what is due ; it is, however, the best Remedy that the *Poor Vicar* has, under an Inability to sue in *Westminster-Hall*, and the Uncertainty of what he is to sue for, before the Justices of Peace.

There are two Things observ'd in the *Poor Vicar's Plea*, (p. 106, 107.) which might have deserv'd the Notice of the *Vindicator*. One, That whereas by the Quaker's own Account, as it stands in their Answer to the *Country Parson's Plea*, the Imprisonments for forty Years last past have been but 81, (i. e. about two in a Year,) in all the Ecclesiastical Courts of the Kingdom ; they own that in the Temporal Courts there have been in that Time Two Hundred and Eleven. The other, that the Imprisonments complain'd of in their *Brief Account* within the Diocese of *London*, which were fifteen in Number, were every one in pursuance of an *Attachment* out of the Temporal Courts.

Vindication, p. 134.] " Let us CLOSE this Subject, says the *Vindicator*, with the Opinion of an eminent Bishop of the Church of England concerning the Ecclesiastical Courts ;" referring to the Conclusion of Bishop Burnet's *History of his own Times*. And lest the Reader should not take due Notice of the Words *universally dreaded* and *bated*, as there applied to those Courts, Care was taken to print them in the black Letter.

It is scarcely to be supposed, that he would have laid so much *Stress* upon the Authority of this eminent Bishop, if he had attended to another

ther Passage in the very same * Volume; with which, as resting upon the self same Authority that the other does, we shall, in Imitation of the *Vindicator*, *CLOSE this Subject* :

“ The Quakers have had a great Breach made
 “ among them, by one *George Keith*, a *Scotch-*
 “ *man*, with whom I had my first Education at
 “ *Aberdeen*. He had been thirty-six Years a-
 “ mong them. He was esteemed the most
 “ learned Man that ever was in that Sect. He
 “ was well versed both in the Oriental Tongues,
 “ in Philosophy, and Mathematicks. After he
 “ had been above thirty Years in high Esteem
 “ among them; He was sent to *Pensylvania* (a
 “ Colony set up by *Pen*, where they are very
 “ numerous) to have the chief Direction of the
 “ Education of their Youth. In those Parts, he
 “ said, he first discover’d that, which had been
 “ always either denied to him, or so disguised
 “ that he did not suspect it; but being far out
 “ of Reach, and in a Place where they were Ma-
 “ sters, they spoke out their Mind plainer; and
 “ it appear’d to him, that they were *Deists*,
 “ and that they turned the whole Doctrine of
 “ the Christian Religion into Allegories; chiefly
 “ those, which relate to the Death and Resur-
 “ rection of Christ, and the Reconciliation of
 “ Sinners to God, by virtue of his Cross. He
 “ being a true Christian, set himself with great
 “ Zeal against this; upon which they grew
 “ weary of him, and sent him back to *England*.
 “ At his Return, he set himself to read many
 “ of their Books, and then he discover’d the
 “ Mystery, which was formerly so hid from him,

* *Pag.* 248, 249.

“ that he had not observed it. Upon this, he
 “ open’d a new Meeting, and by a printed Sum-
 “ mons he call’d the whole Party to come
 “ and see the Proof he had to offer, to convince
 “ them of these Errors. Few Quakers came to
 “ his Meetings, but great Multitudes of other
 “ People flock’d about him. He brought the
 “ Quakers Books with him, and read such Pas-
 “ sages out of them, as convinced his Hearers,
 “ that he had not charged them falsely. He
 “ continued these Meetings (being still, in out-
 “ ward Appearance, a Quaker) for some Years;
 “ till having prevailed as far as he saw any Pro-
 “ bability of Success, he laid aside their exte-
 “ rior, and was reconciled to the Church, and
 “ is now in Holy Orders among us, and likely
 “ to do good Service, in undeceiving and re-
 “ claiming of those misled *Entusiasts*.”

Without enquiring into the exact *Truth* and
Justice of what this eminent Prelate has said,
 either of the Proceedings in the Ecclesiastical
 Courts, or the Principles of the Quakers; it is
 enough for the present Purpose, that both come
 from the same Hand, and are found in the same
 Book; and the Reader sees, that the latter is
 produced here merely by way of *Self-defence*
 against the former. It may not, however, be
 improper to observe, that the Bishop had a warm
 Quarrel with his own Chancellor about Jurisdicti-
 on; which might help to *sharpen* him against Eccle-
 siastical Courts; As, the unkind Treatment which
 he thought he received from some of the Clergy,
sharpen’d him into *undue Liberties* with the whole
 Order; of which he himself was so sensible, that
 in his *General Preface*, he *warns the Reader to*
take all he says upon that Head, with some Grains
of Allowance. But it appears not, that he had

ever

ever any *Quarrel* with *Quakers*, or that he ever received any *unkind Treatment* from them. Let it be further observed, that in that very *Conclusion to the History of his own Times*, from which the *Vindicator* has quoted his Passage against the Ecclesiastical Courts, the Bishop roundly affirms, *That the Law of England* [meaning the Proceedings in *Westminster-hall*] *is the greatest Grievance of the Nation* *.

* *Pag. 658.*

S E C T. IV.

The CONCLUSION.

TH E foregoing Observations upon the **FACTS** and **REASONINGS** in the *Vindication*, are fully sufficient to justify the *Fidelity* of the Clergy in the Accounts they have given, and to show, to what poor *Evasions* and *Colourings* the *Vindicator* could descend. As to the Points untouch'd ; they are left to the Issue of a fair and impartial *Comparison* of what the Reader finds already observed in the *Examination*, and the *Vindication*, upon those Heads ; which, on both Sides, are generally such as rest only upon probable *Conjectures*, founded on the best Informations that the Distances in Point of Time would admit, or such as have no Relation to the Merits of the Cause. As to the numerous and very unworthy

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Reflections upon the Clergy, with which the *Vindicator* has embellish'd his Performance; they deserve a more severe Reproof than is fit to fall from the Pen of a Clergyman; but it must be observed, in general, that the *Pertness* and *Acrimony* with which those Reflections are vented, is very unsuitable to that *meek, calm, and quiet Spirit*, which the *Quakers* so much boast of.

In the last Page of the *Vindication*, there is added a fresh Instance of a Prosecution of *Quakers*, in the Parish of St. BOTOLPH'S ALD-GATE, by the Impropiator; but this Case does not come properly within the Design of the *Examination* and the *Defence* of it; which was, to do Justice to the Clergy, as Incumbents suing in right of their Churches. However, as this Impropiation (*purified*, and descending by *Inheritance*, like other temporal Estates) happens to be at present the Property of a *Clergyman*; it will not be unfit to insert here a few Particulars by way of Answer, viz. That the Method he uses for Recovery of his Tythe, is the *same* that has been used by former Impropiators, and that the *Quakers* are dealt with in the *same Manner* as other Persons who refuse to pay. The Impropiator says further of one particular Quaker, That he requested he would sue him in the *summary Way*; That in Compliance with his Request, he was at the Expence of issuing out Summons for that Purpose; That his Attorney attended twice, but the *Quaker* never appear'd; and, That, at last, he was obliged to prosecute him in another Way.